

**UNITED STATES DISTRICT/BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

**US FEDERAL BUILDING & COURTHOUSE
550 W FORT ST, M.C. 042
BOISE ID 83724**

Cameron S Burke
Court Executive/Clerk

ANNOUNCEMENT TO ATTORNEYS AND THE PUBLIC

DISTRICT OF IDAHO

**BANKRUPTCY COURT LOCAL RULES - effective January 1, 1994 - PURSUANT TO
BANKRUPTCY REFORM ACT OF 1994**

WITH REVISIONS effective June 21, 1995; March 15, 1996 and July 15, 1996

Revised Fee Schedule (Appendix I and II) will be effective on 1/1/98 .

The rules have been numbered in conformity with a Uniform Rules Numbering System and pages are not numbered numerically, but have the rule number at the top and bottom of each page. This will enable a cleaner method of inserting updates in your printed copy or your office computer system.

Copies for public viewing are available at the Boise clerks office, Room 400; and at the divisional offices in Coeur d'Alene, Moscow and Pocatello.

The Rules are available on the court's Internet web site <http://www.id.uscourts.gov>. If you do not have access to the Internet, local rules can be copied on a floppy diskette in WordPerfect 6.1 (IBM) format, free of charge. Please provide a formatted 3.5" double-sided high density diskette and a return addressed, stamped, diskette mailer

Written requests for local rules on diskette are to be sent to Ladora Butler at the above address. Requests are not taken over the phone, but if you have questions or need further information, please call Ladora Butler at 208-334-9337.

We welcome your comments and suggestions which will be forwarded to the Rules Committee.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO**

LOCAL RULES

**LOCAL BANKRUPTCY RULES OF PROCEDURE
FOR THE
UNITED STATES BANKRUPTCY COURT
IN THE DISTRICT OF IDAHO**

**Effective Date: January 1, 1994
And As Amended June 21, 1995;
Amended March 15, 1996
and July 15, 1996**

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LOCAL BANKRUPTCY RULE 1001.1
SCOPE, APPLICABILITY AND PROMULGATION OF LOCAL RULES

(a) **Scope.**

These Local Bankruptcy Rules govern practice and procedure in the United States Bankruptcy Court for the District of Idaho. These rules shall be cited as "LBR ____." The term "judge," as used in these rules, includes a U.S. Bankruptcy Judge, a U.S. District Judge, or any other judicial officer to which a bankruptcy case or proceeding has been referred.

(b) **Applicability.**

Unless otherwise indicated, each of these Local Rules applies to cases commenced under Chapters 7, 9, 11, 12 and 13 of the Bankruptcy Code.

(c) **Promulgation.**

Promulgation of local rules shall be made by the U.S. District Court in accord with Federal Rule(s) of Procedure 9029, and shall be made with the advice of the United States Bankruptcy Court Advisory Committee on Local Rules unless the U.S. District Court determines cause exists for emergency promulgation.

Related Authority:

28 U.S.C. §§ 151, 154
Federal Rule of Bankruptcy Procedure 9029

Advisory Committee Notes:

These Local Rules were promulgated to address certain areas where the Bankruptcy Code and Federal Rules of Bankruptcy Procedure were vague or incomplete, or where experience dictated a need for further clarification or modification of practice in this District. The Local Bankruptcy Rules are based upon prior Local Rules, the local rules of other Districts, and the efforts of the court and practitioners to improve the quality and efficiency of bankruptcy practice.

The "Advisory Committee Notes" following the rules are designated to provide explanation regarding the need for, as well as guidance regarding the anticipated operation of, the Local Rules. Constructions of the rules as contained in such Advisory Committee Notes, however, are not controlling, and in some instances may not reflect unanimity of belief by the members of the Advisory Committee.

For current membership on the Bankruptcy Court Advisory Committee, contact the clerks for the information on the rotation system contained in Amended General Order No. 50.

LOCAL BANKRUPTCY RULE 1001.2
ESTABLISHMENT OF BUSINESS HOURS

The standard business hours of the office of the Clerk of Court in Boise and Pocatello will be from 8:00 a.m. to 5:00 p.m. local time, all days except Saturday, Sunday, and legal holidays.

Office hours in Moscow and Coeur d'Alene are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. local time, all days except Saturday, Sunday, and legal holidays.

Related Authority:

None

Advisory Committee Notes:

The offices of the Clerk of the District and Bankruptcy Court in Coeur d'Alene, Moscow and Pocatello will accept bankruptcy pleadings, including case and adversary proceeding filings, during such hours as those offices may be open. All bankruptcy files and records, however, are maintained at the Bankruptcy Court in Boise.

LOCAL BANKRUPTCY RULE 1002.1
PETITIONS

(a) **Number of Copies.**

In addition to the original, each petition, schedules, and statements of affairs shall be accompanied by the following number of copies:

Chapter 7	3 copies
Chapter 7 (Stockbroker)	3 copies
Chapter 7 (Commodity Broker)	3 copies
Chapter 9	6 copies
Chapter 11	5 copies
Chapter 11 (Railroad Reorganization)	6 copies
Chapter 12	3 copies
Chapter 13	3 copies

(b) **Number of Plans.**

(1) In reorganization cases, in addition to the original (or any amended) plan, the following number of copies are required for filing ~~by~~ *with* the clerk.

Chapter 9	3 copies
Chapter 11	1 copy
Chapter 12	2 copies
Chapter 13	4 copies

(2) If the plan is not filed with the petition, the debtor shall be responsible for service, as required by LBR 2002.3. However, the original and number of copies set forth in subdivision (b)(1) of this rule shall still be filed.

(c) **Captions of Petitions and Identity of Debtors.**

In regard to all cases filed under Sections 301 and 302 of the Code, the caption of such cases shall be in the following style:

(1) If the debtor is an individual, not filing a joint petition with his/her spouse: "John A. Doe."

(2) If the debtor is an individual filing a joint petition with his/her spouse: "John A. Doe and Mary A. Doe."

(3) If the debtor is a general [or limited] partnership: "Name of entity, a general [limited] partnership."

(4) If the debtor is a corporation: "Name of entity, a corporation" (unless the word "Inc.," "Incorporated" or "Corporation" is a part of the name).

(d) **Petition Filed by a Corporation or Partnership.**

Though a voluntary petition may be filed by a corporation or by a general or limited partnership, it must be executed by an authorized corporate officer or general partner, and the corporation or partnership shall be represented by an attorney, and such attorney shall also sign the petition.

Related Authority:

11 U.S.C. §§ 101(12), 101(35), 109, 301, 302
Federal Rules of Bankruptcy Procedure 1002, 1004, 1005, 1006(a), 1007 and 9011(c)
District Court of Idaho General Order No. 127

Advisory Committee Notes:

This rule attempts to address the problems caused by petitions either improperly or confusingly captioned, as well as those caused by petitions improperly purporting to be "joint" petitions outside the limited authority of Section 302 of the Code -- i.e., an individual and a corporation. Should such a petition be accepted by the clerk, the rule contemplates that the precedent of Fitzgerald v. Hudson, 29 B.R. 3, 82 I.B.C.R. 205 (Bankr. D. Id. 1982) will be followed.

The rule in (d) addresses the problem of so-called "pro se" corporate or partnership cases. See also LBR 9010.1(e)(3) regarding appearances for such entities.

LOCAL BANKRUPTCY RULE 1006.1
FILING FEES

Filing fees required for the initiation of a voluntary case shall be accepted by the clerk in the form of cash, cashier's check, money order, or an attorney's check. Two party checks or personal checks of the debtor(s) will not be accepted.

Related Authority:

11 U.S.C. §§ 301, 302
28 U.S.C. § 1930
Federal Rule of Bankruptcy Procedure 1006

Advisory Committee Notes:

This rule addresses an obvious problem encountered by the clerk when debtors present petitions for filing. A fee schedule is included in the Appendix.

LOCAL BANKRUPTCY RULE 1006.2
BANKRUPTCY NOTICING FEE

(a) **Type of Notices to Which the Fee Applies.**

A bankruptcy noticing fee shall be charged for all notices sent by the clerk pursuant to Federal Rule of Bankruptcy Procedure 2002 and these Local Rules.

(b) **Amount of Fee.**

(1) For all chapter 7 and chapter 13 cases filed on or after December 1, 1992, a \$30.00 Miscellaneous Administrative Fee is required in lieu of noticing fees and is due and payable at the time of filing of the petition. This fee cannot be paid in installments.

(2) Except as provided above, the fee shall be fifty (50) cents for each copy of each notice, regardless of the number of pages in the notice. Where more than one copy of a notice is sent in the same envelope the court shall charge fifty (50) cents for each notice sent. Multiple notices may be consolidated into one formal notice so long as the notice is not misleading; in such situations, only one fee of fifty (50) cents will be charged for each copy of each notice sent.

(c) **Assessment of Bankruptcy Noticing Fee.**

In those cases specified in (b)(2), the clerk shall assess the noticing fee at the time the notice is sent out by the court. The clerk shall send an invoice reflecting the amount of the noticing fee to the trustee in a chapter 7, 12 or 13 case and to the debtor in possession in a chapter 11 case, unless a trustee has been appointed in such chapter 11 case.

(d) **Time for Payment of the Bankruptcy Noticing Fee. (Except as stated in (b)(2) above)**

(1) Chapter 7 Cases. Any noticing fee charged to the estate shall be paid by the trustee as an administrative expense at the time of any interim or final disbursement. In the event there are not sufficient funds to pay all allowed administrative expenses in full, then the noticing fee will be paid pro rata along with all other administrative expenses allowed in the case.

(2) Chapter 11 Cases. Any noticing fee charged to the estate shall be paid within thirty (30) days of assessment or at the effective date of the confirmed plan, whichever is earlier.

(3) Chapter 12 Cases. Any noticing fee charged to the estate shall be paid at the time of confirmation of the plan, when the estate has sufficient funds to pay the fee, or within thirty (30) days after assessment of the fee, whichever is later.

(4) Chapter 13 Cases. Any noticing fee charged to the estate shall be paid at the time of confirmation of the plan, when the estate has sufficient funds to pay the fee, or within thirty (30) days after assessment of the fee, whichever is later.

Related Authority:

28 U.S.C. § 1930

Advisory Committee Notes:

This rule was necessitated by changes in the internal practices of the federal courts, as reflected in guidelines issued by the Administrative Office of the United States Courts.

Subdivision (d)(1) and (d)(4) apply only to cases filed before December 1, 1992. See Subdivision (c).

Operation of subdivision (d)(4) of this rule requires additional or increased payments in chapter 13 cases and thus may affect confirmation. Similar circumstances exist in chapter 12 cases. In both instances, provision for sufficient funds to make such payments would be a precondition to confirmation.

LOCAL BANKRUPTCY RULE 1007.1
MASTER MAILING LIST (MML)

(a) **Filing of Master Mailing List. (MML)**

At the time of filing a petition initiating a proceeding under the Bankruptcy Code, an MML shall accompany the petition, which list shall include the name, address, and zip code of every scheduled creditor, and other parties in interest. The MML shall not include the names or addresses of the debtor, joint debtor, or counsel for the debtor(s).

(b) **Form of Master Mailing List.**

The MML shall be prepared in the form as required by the clerk of the court.

(c) **Accuracy of Master Mailing List.**

The clerk and/or The Bankruptcy Noticing Center (BNC) need not check to insure that the MML accurately reflects the names and addresses of creditors, equity security holders, and/or parties in interest listed on the debtor's schedules. For purposes of notice by the clerk; The BNC or by any party in interest, an error or omission on the MML shall be deemed an error or omission on the debtor's schedules, unless such creditor or party in interest should have been added as a result of a filed proof of claim or a written request to the court. The clerk's office or The Bankruptcy Noticing Center will forward returned mail to the debtor's attorney (or the debtor if pro se). It will be the responsibility of the attorney (or debtor if pro se) to provide the court with a current address of those creditors whose mail was undeliverable. It will also be the responsibility of the debtor's attorney (or debtor if pro se), to send a §341(a) Notice to those creditors whose mail was not delivered and to provide proof to the court that notice was sent.

(d) **Amendments to Master Mailing List.**

Any additions to the MML subsequent to its initial filing shall include only those names added in the MML format required by the clerk and shall be accompanied by the amendment fee if the § 341(a) notice to creditors has already been mailed. Any deletions from the MML are to be set forth in a cover letter. A party may not delete names from the MML by submitting a new MML with the names deleted.

Related Authority:

11 U.S.C. § 521
Federal Rules of Bankruptcy Procedure 1007, 2002(g)
District Court of Idaho General Order No. 127

Advisory Committee Notes:

This rule has been modified consistent with internal changes in the office of the clerk. These changes, in large part, are due to increased computer automation under the BANCAP system. The clerk has detailed information on how to prepare an MML so that it can be read by the court's optical scanner and will be provided by the clerk upon request.

See LBR 1007.3 and Miscellaneous Fee Schedule in Appendix regarding assessment of an amendment fee when creditors are added to schedules or lists.

LOCAL BANKRUPTCY RULE 1007.2
EXTENSION OF TIME AND DISMISSAL

(a) **Extension of Time.**

An extension of time under Federal Rule of Bankruptcy Procedure 1007 (c) for filing schedules, statement of affairs, or other required documents will not be granted beyond the date set for the meeting of creditors under Section 341(a) unless a judge orders otherwise for cause shown. An extension beyond the date set for the Section 341(a) meeting will not be granted unless the debtor has also arranged for a continuance of the Section 341(a) meeting, and confirmation hearing if applicable, pursuant to Local Bankruptcy Rule 2003.1 and provided appropriate notice thereof.

Related Authority:

11 U.S.C. § 521
Federal Rule of Bankruptcy Procedure 1007

Advisory Committee Notes:

It is the responsibility of the United States Trustee to make a request for dismissal when the filing requirements are not met. See § 707(a)(3), § 1112(e), § 1208 and § 1307(c)(9) and (10).

LOCAL BANKRUPTCY RULE 1007.3
AMENDMENTS OF PETITIONS, LISTS, SCHEDULES
AND STATEMENTS OF FINANCIAL AFFAIRS

An original, and the following number of copies of the amendment, must be filed with the clerk:

Chapter 7 original and 2 copies
Chapter 11 original and 2 copies
Chapter 12 original and 2 copies
Chapter 13 original and 1 copy

The amendment shall bear, on its face, the debtor's name and case number, and the notation "amendment".

Where the amendment adds additional creditors, the debtor(s) shall send to the creditor(s) so added a copy of the notice of the Section 341(a) meeting of creditors, and plan if applicable, and file a certificate of such service with the clerk, request the clerk to add such creditor(s) to the Master Mailing List, and submit the applicable filing fee. The clerk need not verify or confirm that the additional creditor(s) receive notice.

Related Authority:

Federal Rules of Bankruptcy Procedure 1007, 1009, 2002(g)

Advisory Committee Notes:

This rule continues current practice in those situations where the debtor or debtor's counsel causes notice of the amendment to be served.

Information may be obtained from the clerk's office regarding when the amendment fee will be assessed. See Miscellaneous Fee Schedule and LBR 1007.1(d)

LOCAL BANKRUPTCY RULE 1007.4
TAX RETURNS

Except where the court orders otherwise for good cause shown, debtors must file all required tax returns prior to the date set for the initial hearing on confirmation of a plan. Failure to do so may be grounds for dismissal.

Related Authority:

11 U.S.C. §§ 1322 and 1325

Advisory Committee Notes:

While in Chapter 13 cases filed between January 1 and April 15, a return may not be required or due under the Internal Revenue Code, such a return is necessary for the trustee to evaluate feasibility and plan compliance with §§ 1322 and 1325, to recommend confirmation.

LOCAL BANKRUPTCY RULE 1019.1 CONVERSIONS

(a) Schedules of unpaid debts.

Within 15 days following the entry of the order of conversion, a schedule of unpaid debts incurred after commencement of the superseded Chapter 11, 12 or 13 case shall be filed. A Master Mailing List setting forth the name and address of each such creditor, shall be filed with the court by the following parties; and served on the U.S. Trustee and successor trustee, if applicable.

- (1) The debtor in possession, or trustee if one served, in a chapter 11 case;
- (2) A chapter 13 debtor; or
- (3) A chapter 12 debtor in possession or the chapter 12 trustee if the debtor is not in possession.

(b) List of 20 largest unsecured creditors.

If converting to a chapter 11 proceeding, a separate list of the 20 largest unsecured creditors shall be filed with the court and served on the U.S. Trustee.

(c) Filing of Plan.

If converting to a chapter 13, a plan is to be filed with the notice or motion to convert or within 15 days thereafter.

(d) Final Report and Account.

Upon conversion, the final report and account required to be filed by the debtor or trustee shall include the following:

- (1) A schedule of property acquired by the debtor after the commencement of a chapter 11 case.
- (2) A balance sheet as of the date of conversion and a profit and loss statement for the period of the pendency of a case under chapter 11, unless such balance sheet and profit and loss statements for the period of the pendency of a case under chapter 11 have been previously filed in accordance with court order.
- (3) A statement of the money or property paid or transferred, directly or indirectly, during the pendency of a chapter 11 case, to the debtor, if the debtor is an individual; or to each partner, if the debtor is a partnership; or to each officer, stockholder, and director, if the debtor is a corporation.
- (4) A listing of all matters pending in the case and any adversary proceedings or other litigation pending in which the debtor, debtor-in-possession or trustee is a party.
- (5) Except to the extent otherwise clearly disclosed by the foregoing, amended schedules reflecting the status of assets and liabilities as of the date of conversion.

(e) **Bank Account.**

The debtor, or trustee if one served in the original chapter 11 case, shall furnish to the successor trustee originals or photocopies of all canceled checks and bank statements pertaining to the bank account(s) maintained in the chapter 11 case.

Related Authority:

11 U.S.C. § 1112
Federal Rule of Bankruptcy Procedure 1019

Advisory Committee Notes:

Federal Rule of Bankruptcy Procedure 1019 provides for the filing of lists, inventories, schedules, statements and other reports upon conversion of any chapter 11, 12 or 13 case to a chapter 7 and establishes numerous requirements in addition to those under this rule. Additionally, if the schedule of unpaid debt is not filed within the required 15 days, an amendment fee will be assessed by the clerk.

A suggested form of final report and account in converted chapter 11 cases is available at the clerk's office.

LOCAL BANKRUPTCY RULE 2002.1
SALE OF PROPERTY OF THE ESTATE

(a) **Contested Matter.**

A sale pursuant to Section 363(b), including a sale free and clear of any interest of an entity other than the estate, is initiated by notice and is subject to LBR 2002.2.

(b) **Notice of Sale.**

(1) The notice of sale shall include, without limitation, the following information:

- (A) A description of the property to be sold;
- (B) The time and place of sale;
- (C) The terms of sale;
- (D) Whether the property is to be sold free and clear of liens;
- (E) The estimated fair market value of the property, and a brief statement of the basis for the estimate;
- (F) If known, the amounts of each lien or encumbrance claimed against the property and the identity of each lienholder;
- (G) The proposed disposition of the proceeds of sale shall include any proposed compensation to brokers, auctioneers or other professionals to be paid from the proceeds of sale;
- (H) The subdivision of Section 363(f) which authorizes the sale; and
- (I) The date by which objections to the sale must be filed, pursuant to Federal Rule of Bankruptcy Procedure 6004(b), and the name and address of any entity to be served with the objection.

(2) All interests in the property sold free and clear shall attach to the proceeds of the sale, except as otherwise provided in the notice.

(c) **Order.**

A party moving for an order approving or confirming an unopposed sale shall support the motion with an affidavit showing the necessity for the order.

Related Authority:

11 U.S.C. § 363(f)
Federal Rules of Bankruptcy Procedure 2002(a),
2002(c)(1), 6004, 7001

Advisory Committee Notes:

Certain controls on the sale of property of the estate, including a requirement of specificity in notice, were deemed advisable by the Committee especially in regard to sales free and clear of claims, liens and interests.

The notice, under Subsection (b)(1)(G), should note that any such compensation is subject to review of the Court.

An action to determine the validity, priority or extent of any interest of an entity other than the bankruptcy estate in property must be brought separately as an adversary proceeding. See F.R.B.P. 7001(2).

LOCAL BANKRUPTCY RULE 2002.2
NOTICE AND HEARING

(a) **Applicability.**

All contested matters under Federal Rule of Bankruptcy Procedure 9014, all motions under Federal Rule of Bankruptcy Procedure 9013, and all other matters requiring or with provision for a hearing under the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, shall be subject to the following requirements and conditions.

(b) **Notice.**

(1) By whom given. Except for notices specified in Federal Rules of Bankruptcy Procedure 2002(a)(1), (a)(2), (a)(4), (a)(8), (b)(2) chapter 13 only, (e) and (f), all notices shall be given by the party requesting an order or other relief.

(2) To whom given.

(A) "Notice," as used in this rule shall mean notice by mail to all creditors, equity security holders, trustees and indenture trustees, the debtor, the chairman of any committee appointed in the case, U.S. Trustee and any other parties in interest. A different method or less inclusive notice may be given only if allowed by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, or if authorized by a judge.

(B) The addresses of notices shall be in accordance with Federal Rule of Bankruptcy Procedure 2002(g).

(I) A Master Mailing List of names and addresses, as filed with the court, and updated in accordance with said Rule 2002(g), may be obtained from the clerk upon written request and payment of the attendant fee.

(ii) Notice required to be given to all creditors is presumed to be appropriate if mailed to all entries on the Master Mailing List which has been provided by the clerk within twenty (20) days of the notice.

(iii) Notices sent by the Bankruptcy Noticing Center (BNC) pursuant to 11 U.S.C. Section 341(a) which are determined undeliverable by the U.S. Postal Service will be noted on the court's database in the creditor log and no future notices will be sent to that address. Undeliverable notices will be forwarded to the debtor's attorney (or debtor if pro se). Any notice other than a Section 341(a) notice which is returned to the court shall be destroyed without notation or record by the clerk.

(3) Proof of Service. After giving notice, the moving party shall file within five (5) days of the notice, an affidavit of mailing with a list of the persons, and their addresses, to whom the notice was sent. If notice to all creditors is required, the affidavit of service must certify mailing (or other services) on all parties included on the Master Mailing List described in subdivision (b)(2)(B) of this rule.

(c) **Objection.**

If the notice provides for the filing of an objection, a party objecting to an act or the entry of an order shall file with the clerk and serve on the moving party, a written objection within the time set forth in the notice. The objection shall state, with specificity, the grounds therefor.

(d) **When hearing is not required.**

If authorized by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, or if allowed by the court, an actual hearing may not be required. In all such instances, the moving party shall, in the notice, so advise all parties receiving notice that an order may be entered without hearing. The moving party shall provide not less than fifteen (15) days within which any party in interest may object, unless a longer period is required by order of a judge or under applicable Federal Rule of Bankruptcy Procedure, or such period is shortened by order of a judge.

(e) **Hearing.**

(1) By moving party. Counsel for the party who desires or is required to set a matter for hearing shall be responsible for contacting the calendar clerk and obtaining a date for such hearing. Unless a hearing date is provided by the calendar clerk after such contact, the matter will not be scheduled for hearing and will not be heard. Counsel obtaining a hearing date shall be responsible for providing notice to all parties as provided by this rule.

(2) By objecting party. If a party objects to an act or the entry of an order and the matter is not previously set for hearing, counsel for the objecting party shall be responsible for contacting the calendar clerk and obtaining a hearing date, as provided in subdivision (e)(1) of this rule and notifying the moving party and all other parties as required by this rule. Failure to obtain and notice a hearing within thirty (30) days after filing the objection will waive the objection and allow entry of an order.

(3) Any party requesting a hearing date from the calendar clerk (or in open court) shall file the notice of hearing and related pleadings at least five (5) days prior to the scheduled hearing date. Failure to do so may result in the hearing being removed from the calendar.

(f) **Vacation or continuance of hearing.**

A hearing may be vacated or continued for good cause by order of a judge entered:

- (1) on a judge's own motion;
- (2) upon agreement of the parties and for good cause shown; or
- (3) on the request of a party after notice to all opposing parties filed and served at least three (3) days prior to the scheduled hearing, accompanied by an affidavit stating the grounds for such request, unless a judge for cause shown waives the requirements of this rule.

Related Authority:

11 U.S.C. § 102(1)
Federal Rules of Bankruptcy Procedure 2002, 9006, 9007, 9008, 9036
District Court of Idaho General Order No. 35
District Court of Idaho General Order No. 127

Advisory Committee Notes:

Note that subdivision (b)(1) requires a party to serve notice in certain circumstances where previously the clerk provided notice.

2002.2(b)(2) applies in chapter 13 when the plan is filed with the petition. Debtor mails the notices when the plan is filed at a later time. (See LBR 2002.3(a)(2))

Subdivision (b)(2)(B)(ii) has been changed to eliminate the process of "certification" of the MML. Copies of the MML will be provided at a cost of \$.50 per page (for copying) plus the cost of labels if so requested. All requests, however, for an updated MML should still be in writing.

Subdivision (e) reflects current practice and emphasizes the necessity of setting matters through the calendar clerk. Subdivision (e)(3), requires the filing of supporting pleadings.

Subdivision (f) is designed to cure problems presently encountered by the court where counsel vacates a hearing without advising the court and/or opposing counsel.

LOCAL BANKRUPTCY RULE 2002.3
MAILING OF PLANS

(a) Chapter 13 Cases.

(1) Plans filed with the petition in chapter 13 cases will be mailed by The Bankruptcy Noticing Center (BNC) with the Section 341(a) notice to creditors. An original plan plus four (4) copies must be submitted with text only on one side so that this information can be scanned electronically. In such cases, and provided all other schedules and statements are also filed with the petition, the accelerated confirmation process of LBR 2002.5 shall apply.

(2) In all cases where the plan and required copies are not filed with the petition, the debtor shall be responsible for mailing copies of the chapter 13 plan and notice of hearing on confirmation to all creditors and parties in interest. Such notice must comply with Federal Rules of Bankruptcy Procedure 2002 and 3015. In such cases, the notice of the Section 341(a) meeting issued by the BNC shall not advise creditors of the confirmation hearing date, and such cases will not be subject to the accelerated confirmation procedures of LBR 2002.5.

(b) Other Cases.

In all chapter 11 and 12 cases, the debtor or plan proponent shall give notice of the hearing on confirmation of the plan. The debtor or plan proponent shall mail copies of the plan, with such notice, to all creditors and parties in interest prior to the hearing date set for confirmation of the plan. In chapter 11 cases, the debtor or plan proponent shall also mail copies of the order approving disclosure statement and notice of the confirmation hearing, together with a copy of the disclosure statement, plan, ballot and any amendments or addenda to the original plan or disclosure statement.

Related Authority:

11 U.S.C. §§ 1128, 1224, 1324
Federal Rules of Bankruptcy Procedure 2002(a), 2002(b), 3015, 3017
District Court of Idaho General Order No. 127

Advisory Committee Notes:

In reference to balloting on confirmation in chapter 11 cases under subdivision (b), ballots should be prepared directing their submission to the Clerk of the Court for tabulation and any ballots returned to counsel for the debtor or a plan proponent contrary to the instructions on the ballot should be immediately forwarded to the clerk with notation of date received.

LOCAL BANKRUPTCY RULE 2002.4
FILING AND CONFIRMATION OF CHAPTER 12 PLAN

(a) Objections.

Objections to confirmation of a Chapter 12 plan shall be in writing and filed with the clerk and served on the debtor, the trustee, and on any other party in interest, not less than seven (7) days prior to any scheduled confirmation hearing. An objection to confirmation must set forth with specificity the grounds for objection and is governed by Federal Rule of Bankruptcy Procedure 9014.

(b) Notice.

Notice shall be made by the debtor or plan proponent according to LBR 2002.3(b). Unless a judge fixes a shorter period, notice of such hearing shall be given not less than twenty-five (25) days before the hearing. A copy of the plan shall accompany the notice.

(c) Order of Confirmation.

The order of confirmation shall conform to the Official Forms and notice of entry thereof shall be mailed promptly by the clerk to the debtor, the trustee, all creditors, all equity security holders, and other parties in interest.

(d) Retained Power.

Notwithstanding the entry of the order of confirmation, a judge may enter all orders necessary to administer the estate.

Related Authority:

11 U.S.C. §§ 1221, 1224, 1225
Federal Rules of Bankruptcy Procedure 2002, 3015

Advisory Committee Notes:

Section 1221 and F.R.B.P. 3015(a) provide that a Chapter 12 debtor may file a plan with the petition. If a plan is not filed with the petition, it must be filed within ninety (90) days thereafter unless the court extends the time for filing the plan. After notice, as provided in this rule, a judge shall conduct and conclude a hearing within the time prescribed by Section 1224 and rule on confirmation of the plan. If no objection is timely filed, F.R.B.P. 3015(f) allows the judge to determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on those issues.

LOCAL BANKRUPTCY RULE 2002.5
CONFIRMATION OF CHAPTER 13 PLAN

A judge may confirm a chapter 13 plan without hearing if a written objection to confirmation is not timely filed. This confirmation process is available only in those cases where a plan, and all other schedules and statements are filed with the petition, as identified in LBR 2002.3 and is subject to the following requirements.

(a) Notice to Creditors.

The Bankruptcy Noticing Center (BNC) shall send to the debtor, debtor's attorney, the trustee, and all creditors and parties in interest, a notice which advises them of the provisions of this rule. This notice shall be sent at the same time as, and may be incorporated within, the notice of the Section 341(a) meeting of creditors.

(b) Objections to Confirmation of the Plan.

Any objection to the confirmation of the plan must be in writing and filed with the clerk, the trustee, debtor, and debtor's attorney prior to or on the date of the scheduled Section 341(a) meeting of creditors, or within five (5) days thereafter. An objection to confirmation must set forth with specificity the grounds for objection and is governed by Federal Rules of Bankruptcy Procedure 9014.

(c) Confirmation of Plan Without Objection.

Where no objection to confirmation of a chapter 13 plan is filed within the time limits established by this rule, then a judge, without hearing, may enter an order confirming the plan.

(d) Amendment of Plans at the Section 341(a) Meeting of Creditors.

The proposed plan may be amended, at either the Section 341(a) meeting or anytime prior to the hearing scheduled under subdivision (e) of this rule to resolve an objection. Such amendment must be placed on the chapter 13 trustee's minutes or be included in an amended plan. Where a timely objection has been made, the plan will not be confirmed until the objecting party has withdrawn such objection or a hearing is held as provided in subdivision (e) of this rule. Where the amendment does not affect any other party in interest, a judge may confirm the plan as amended without notice or a hearing. Where the amendment would affect another party in interest, the plan as amended must be mailed to each affected party with a notice providing twenty (20) days to object to the amendment. If no objection is made within the time allowed, a judge may confirm the plan as amended without a hearing.

(e) Objections not Resolved by Amendment of the Plan.

Where an objection to a proposed chapter 13 plan cannot be resolved by an amendment to the proposed plan, or where the trustee does not recommend confirmation, the court shall hold a confirmation hearing to resolve the objection. The clerk shall schedule a tentative confirmation hearing date, in the event actual hearing is required under this rule, and provide notice of such date on the notice of the Section 341(a) meeting of creditors.

Related Authority:

11 U.S.C. §§ 1302, 1322, 1323, 1324, 1325
Federal Rules of Bankruptcy Procedure 2002, 3015
District Court of Idaho General Order No. 127

Advisory Committee Notes:

The process of confirmation as structured under this rule is designed to protect interests of objecting creditors while allowing accelerated confirmation of plans and payment to creditors in the large majority of chapter 13 cases where there are no objections or where objections can be readily resolved. The notice and timing requirements under the Federal Rules of Bankruptcy Procedure make the accelerated confirmation process appropriate only in those cases where the plan is filed with the petition and the clerk is able to issue notice. In all other cases, the debtor must file the plan within 15 days of the petition, See F.R.B.P. 3015(b), and provide copies of the plan and notice of confirmation hearing to all creditors and parties in interest, in compliance with Federal Rules of Bankruptcy Procedure 2002 and 3015, and these local rules.

LOCAL BANKRUPTCY RULE 2003.1
SECTION 341(a) MEETING OF CREDITORS

(a) Applications for Continuance.

A continuance of the Section 341(a) meeting of creditors must either be requested of the Presiding Officer at the time of the Section 341 meeting or, not later than ten (10) days after the scheduled meeting, by written application to the U.S. Trustee accompanied by an affidavit identifying the circumstances necessitating the delay. A continuance will not be allowed except where extenuating circumstances render the debtor(s) unable to appear. A continuance will not be allowed for a conflict involving the debtor's attorney.

(b) Notice and Service.

If a continuance of the Section 341(a) meeting is granted by the Presiding Officer or U.S. Trustee, the debtor or debtor's attorney must mail notice of the continuation to the creditors at least seven (7) days prior to the date of the continued meeting. The notice must include the date, time and location of the continued meeting, and, if the case is a chapter 13, the notice must also include the date, time and location of the continued confirmation hearing. Proof of service of the continuation notice must be filed with the clerk and must list each party served and their mailing address.

(c) Dismissal.

If the debtor fails to appear at the 341(a) meeting and, if either no continuance is requested within ten (10) days after the scheduled meeting, or no continuance is granted by the Presiding Officer or U.S. Trustee, the U.S. Trustee may apply for an order of dismissal provided that the file contains proof that a notice of the meeting was mailed to the debtors.

Related Authority:

11 U.S.C. §§ 341, 343
Federal Rules of Bankruptcy Procedure 2003, 2004, 4002

Advisory Committee Notes:

This reflects the responsibilities of the U.S. Trustee in conducting Section 341(a) meetings. It follows General Order No. 61 effective April 1, 1990.

While not as significant a problem as in many Districts, failure to appear and/or failure to advise the court of the need for a continuance are still common and require a mechanism to control abuse.

Under subdivision (c) of the rule, the U.S. Trustee may request that the case be dismissed. However, the U.S. Trustee or panel trustee may elect to have the case remain open, for example, to administer assets or oppose entry of the debtor's discharge based on the failure to appear. See 11 U.S.C. Sections 704, 727.

Note also that dismissal on this ground falls within the scope of the prohibition of Section 109(g)(1) on filing of a subsequent petition for relief.

For purposes of planning and avoiding potential conflicts, note that the court's calendar for Section 341(a) meeting dates is set some six to nine months in advance. Copies of this calendar are available, without charge, from the office of U.S. Trustee or at the intake counter in the clerk's office.

LOCAL BANKRUPTCY RULE 2007.1

ELECTION OF TRUSTEE IN A CHAPTER 11 REORGANIZATION CASE

(a) Request for an Election.

A request to convene a meeting of creditors for the purpose of electing a trustee in a chapter 11 reorganization case shall be filed and transmitted to the United States trustee in accordance with Bankruptcy Rule 5005 within the time prescribed by § 1104(b) of the Bankruptcy Code. Pending court approval of the person elected, a person appointed trustee under § 1104(d) shall serve as trustee.

(b) Manner of Election and Notice.

An election of a trustee under § 1104(b) of the Code shall be conducted in the manner provided in Bankruptcy Rules 2003(b)(3) and 2006. Notice of the meeting of creditors convened under § 1104(b) shall be given in the manner and within the time provided for notices under Bankruptcy Rule 2002(a). A proxy for the purpose of voting in the election may be solicited by a committee appointed under § 1102 of the Code and by any other party entitled to solicit a proxy under Bankruptcy Rule 2006.

(c) Application for Approval of Appointment and Resolution of Disputes.

If it is not necessary to resolve a dispute regarding the election of the trustee or if all disputes have been resolved by the court, the United States trustee shall promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under Bankruptcy Rule 2007.1(b), except that the application does not have to contain names of parties in interest with whom the United States trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States trustee shall promptly file a report informing the court of the dispute. If no motion for the resolution of the dispute is filed within 10 days after the date of the creditors' meeting called under § 1104(b), a person appointed by the United States trustee in accordance with § 1104(d) of the Code and approved in accordance with Bankruptcy Rule 2007.1(b) shall serve as trustee.

Judicial Conference Rules Committee Note:

This rule implements the amendments to § 1104 of the Bankruptcy Code applicable in cases commenced on or after October 22, 1994, regarding the election of a trustee in a chapter 11 case. The requirement that creditors receive at least 20 days notice of the meeting may be reduced to a shorter period under Bankruptcy Rule 9006(c)(1).

The procedures for reporting disputes to the court and the time limit for filing a motion to resolve any disputes derive from Bankruptcy Rule 2003(d). Because the person elected must be "disinterested," the United States trustee must file an application for court approval of the elected person in accordance with Bankruptcy Rule 2007.1(b).

LOCAL BANKRUPTCY RULE 2014.1
APPROVAL OF EMPLOYMENT OF PROFESSIONAL PERSONS

(a) Applications for Approval of Employment of Professional Persons.

In addition to including the information required by F.R.B.P. 2014(a), an application for approval of employment of a professional person shall be signed by the trustee, debtor-in-possession or committee, and shall state the following information:

(1) The proposed arrangement for compensation. If there is a retainer, the application shall disclose all pre-petition fees and expenses drawn down against the retainer, and any written retainer agreement shall be attached to the application; and

(2) To the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the U.S. Trustee, or any person employed in the office of the U.S. Trustee.

(b) Service and Proof of Service.

(1) Copies of the application for approval of employment, the verified statement, any accompanying documents, and the proposed order approving employment shall be transmitted to the Office of the U.S. Trustee in Boise.

(2) In a non-chapter 11 case, service shall also be made upon the debtor(s), debtor(s)' counsel, the trustee, and trustee's counsel.

(3) In a chapter 11 case, service shall also be made upon members of any creditors' committee(s) and any attorneys appointed to represent the committee(s). In the event no committee has been appointed, service shall also be made on the 20 largest unsecured creditors. In a chapter 11 case, service shall also be made on the debtor and the attorney for the debtor, if the application is made upon behalf of a party other than the debtor.

(4) Proof of such service shall be filed with the application.

(c) Entry of an Order of Approval of Employment.

If no objection to the application for approval of employment of the professional is filed by the U.S. Trustee or other party in interest within fourteen (14) calendar days of the date of service of the application, the court may enter the order approving the employment of the professional without a hearing. If an objection to the application is timely filed, then the applicant shall schedule a hearing on the application and serve notice of the hearing on the U.S. Trustee and all other parties in interest. Proof of such service shall be filed with the notice of hearing. Any order of approval of appointment entered by the court will relate back to the date of service of the application.

Related Authority:

11 U.S.C. §§ 327, 328
Federal Rules of Bankruptcy Procedure 2014, 9034

Advisory Committee Notes:

F.R.B.P. 2014 governs applications for employment of professional persons. This rule sets forth a minimum standard of notice. In many cases, a party may wish to set an actual hearing, and/or provide notice to all parties in interest. The Rule is not designed to prohibit such an approach.

Additionally, the court generally will not approve employment of a professional who proposes to seek compensation on a non-hourly basis without an actual hearing, nor approve a predetermined fee.

LOCAL BANKRUPTCY RULE 3002.1
FILING OF PROOFS OF CLAIM IN CHAPTER 12 CASES

(a) Filing.

All proofs of claim in a chapter 12 case shall be filed with the clerk in duplicate (with the duplicate to include copies of all supporting documents to the original). The clerk will forward the copy of the claim to the chapter 12 trustee.

(b) Governmental Units.

A claim of a governmental unit shall be filed before 180 days after the date of the order for relief, except as otherwise provided in the Federal Rules of Bankruptcy Procedure.

Related Authority:

11 U.S.C. § 1226
Federal Rules of Bankruptcy Procedure 3002, 3004, 3005, 3010

LOCAL BANKRUPTCY RULE 3002.2
FILING OF PROOFS OF CLAIM IN CHAPTER 13 CASES

(a) Filing.

All proofs of claim in chapter 13 cases, filed pursuant to Section 501, shall be filed with the clerk in duplicate (with the duplicate to include copies of all supporting documents to the original), and a copy will be forwarded by the clerk to the chapter 13 trustee appointed for that case.

(b) Governmental Units.

A claim of a governmental unit shall be filed before 180 days after the date of the order for relief, except as otherwise provided in the Federal Rules of Bankruptcy Procedure.

(c) Objections.

Debtor(s) and the chapter 13 trustee shall have the right to object to claims filed between confirmation of the plan and the bar date set forth in this rule, as well as to untimely claims.

(d) Distributions.

If a secured creditor fails to timely file a proof of claim, the trustee may distribute, to general unsecured creditors, the funds attributable to that claim, and may do so without notice, hearing or court order.

Related Authority:

11 U.S.C. §§ 501, 1305, 1325
Federal Rules of Bankruptcy Procedure 3002, 3004, 3007

Advisory Committee Notes:

This rule has been amended to eliminate initial filing of claims with the trustee, but is still designed to be consistent with, and necessary to achieve, accelerated confirmation of uncontested chapter 13 plans. See LBR 2002.5.

Subdivision (d) makes unnecessary the current practice of a chapter 13 trustee seeking a court order to distribute funds to unsecured creditors when a secured creditor fails to file a timely proof of claim. See LBR 3002.2(b).

LOCAL BANKRUPTCY RULE 3003.1
FILING OF PROOFS OF CLAIM IN CHAPTER 11 CASES

(a) Time to File.

Except as provided in subsection © of this Rule, the last day to file proofs of claim in a chapter 11 case shall be ninety (90) days from the first date set for a Section 341(a) meeting of creditors. The clerk shall notify all creditors and parties in interest of such bar date.

(b) Extension.

The court may, for cause shown, extend the deadline upon appropriate motion, notice, and hearing. If the Section 341(a) notice to creditors has already been mailed by the clerk's office, the notification to creditors of an extension of deadline to file claims will be the responsibility of the debtor in possession and its counsel.

(c) Governmental Units.

A claim of a governmental unit shall be filed before 180 days after the date of the order for relief, except as otherwise provided in the Federal Rules of Bankruptcy Procedure.

Related Authority:

11 U.S.C. §§ 501, 502, 1111(a)
Federal Rule of Bankruptcy Procedure 3003

Advisory Committee Notes:

By virtue of general Order No. 66 dated June 18, 1990, the court has set a standard bar date under Rule 3003(c)(3) for all chapter 11 cases. The LBR does not change the operation of Section 1111(a) or Rule 3003(b)(1) or (c)(2) as to claims scheduled by the debtor as undisputed, non-contingent and liquidated.

LOCAL BANKRUPTCY RULE 3011.1
UNCLAIMED FUNDS

(a) **Filing of petition.**

If a party seeks disbursement to it of unclaimed funds from a case, a petition for withdrawal of funds must be executed and filed with the clerk. The clerk shall serve a copy of the petition on the U.S. Attorney.

(b) **Proof of entitlement.**

(1) If the petition is filed by a funds' locator or other party, on behalf of a creditor in whose name the claim is filed, a signed limited or general power of attorney from the creditor must accompany the petition (together with such other documentation required of the creditor under subdivisions (2) and (3) below).

(2) If petition is filed by a creditor which is a corporation, the petition must be executed by a member of the Board of Directors and accompanied by sufficient verification of capacity, such as Articles of Incorporation, Board Meeting Minutes, or other appropriate documentation.

(3) In all cases, sufficient proof of legal capacity and entitlement shall be filed with the petition.

(c) **Objections.**

The U.S. Attorney may object by filing a written objection within thirty (30) days of service of the petition. An order approving the disbursement will be entered if no timely objection is filed.

Related Authority:

11 U.S.C. § 347; 28 U.S.C. §§ 2041, 2042
Federal Rules of Bankruptcy Procedure 3010, 3011

Advisory Committee Notes:

The clerk will provide guidelines upon request.

LOCAL BANKRUPTCY RULE 3017.1
SMALL BUSINESS CHAPTER 11
REORGANIZATION CASES

(a) **Election to be Considered a Small Business in a Chapter 11 Reorganization Case.**

In a chapter 11 reorganization case, a debtor that is a small business may elect to be considered a small business by filing a written statement of election no later than 60 days after the date of the order for relief or by a later date as the court, for cause, may fix.

(b) **Approval of Disclosure Statement.**

(1) Conditional Approval. If the debtor is a small business and has made a timely election to be considered a small business in a chapter 11 case, the court may, on application of the plan proponent, conditionally approve a disclosure statement filed in accordance with Bankruptcy Rule 3016. On or before conditional approval of the disclosure statement, the court shall

(a) fix a time within which the holders of claims and interests may accept or reject the plan;

(b) fix a time for filing objections to the disclosure statement;

© fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and

(d) fix a date for the hearing on confirmation.

(2) Application of Bankruptcy Rule 3017. If the disclosure statement is conditionally approved, Bankruptcy Rule 3017(a), (b), (c), and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Bankruptcy Rule 3017(d).

(3) Objections and Hearing on Final Approval. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Bankruptcy Rule 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the United States trustee, and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code and any other entity designated by the court at any time before final approval of the disclosure statement or by an earlier date as the court may fix. If a timely objection to the disclosure statement is filed, the court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

Judicial Conference Rules Committee Note:

This rule is designed to implement §§ 1121(e) and 1125(f) that were added to the Code by the Bankruptcy Reform Act of 1994. These amendments are applicable in cases commenced on or after October 22, 1994.

If the debtor is a small business and has elected under § 1121(e) to be considered a small business, § 1125(f) permits the court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the court to hold a hearing on final approval.

LOCAL BANKRUPTCY RULE 4001.1
USE OF CASH COLLATERAL

A motion for authority to use or otherwise make disposition of cash collateral shall include the following:

- (a) A statement describing with particularity the amount and source of the cash collateral sought to be used;
- (b) Financial or other information demonstrating the need for and the projected use or disposition of the cash collateral;
- (c) The identity of all entities, known to the debtor or trustee, holding or claiming to hold an interest in the cash collateral, and a description of such interest(s); and
- (d) A description of the nature and extent of any adequate protection to be provided to entities holding or claiming to hold an interest in said cash collateral.

Related Authority:

11 U.S.C. § 363
Federal Rules of Bankruptcy Procedure 4001, 9014

Advisory Committee Notes:

The information required by this rule is generally provided by movants since it is essential to the granting of relief by the court. However, it was determined that specifying what information was necessary, and requiring its provision at a time prior to actual hearing, was advisable. See also the Advisory Committee Notes to the 1987 Amendments of Federal Rule of Bankruptcy Procedure 4001(b). Issues regarding notice and service of the motion are not addressed here due, in part, to the amendments to Federal Rule of Bankruptcy Procedure 4001. See also LBR 2002.2.

LOCAL BANKRUPTCY RULE 4001.2
MOTIONS REQUESTING RELIEF FROM THE AUTOMATIC STAY

(a) **Motions.**

A request by a party in interest for relief from the automatic stay pursuant to Section 362(d), Section 1201(c), or Section 1301© shall be made by filing a written motion filed with the court, and paying the applicable fee. There is no fee for co-debtor motion for relief under Section 1201 or Section 1301. (See Appendix II Miscellaneous Fees Item #21)

(b) **Requisite Information.**

The motion shall identify the nature of the stay relief sought; provide the details of the underlying obligation or liability upon which the motion is based; shall contain an itemization of amounts claimed to be due upon the obligation; and, if appropriate, shall state the estimated value of any collateral for the obligation, and the method used to obtain the valuation. If applicable, there shall be attached to the motion accurate copies of all documents evidencing the obligation, and the basis of perfection of any lien or security interest.

(c) **Service.**

(1) Co-debtor stay. If relief is sought under Section 1201© or Section 1301(c), the motion shall be served upon the debtor, debtor's attorney, the trustee, any co-debtor affected thereby, and on any other party known to the movant claiming an interest in any property subject of the motion.

(2) Other Motions. If relief is sought under Section 362(d), the motion shall be served upon the debtor, debtor's attorney, the trustee if one has been appointed, upon any committee or its authorized agent, and on any other party known to movant claiming an interest in any property subject of the motion.

(d) **Hearings.**

(1) Objections. Any party in interest may oppose the motion by filing and serving on the moving party a written objection thereto at least five (5) days prior to the preliminary hearing. The objection shall reasonably identify those matters contained in the motion which are to be at issue, and any other basis for opposition to the motion. Absent the filing of a timely response, the court may grant the relief sought without a hearing. The written objection need not be filed if the moving party sets the preliminary hearing for less than twenty (20) days after the filing of the motion, however, the opposing party must be prepared to present the information required by this rule at the preliminary hearing.

(2) Scheduling. The moving party may schedule a preliminary hearing on any motion, and shall serve notice thereof upon those parties on whom service of the motion is required above. Absent such a hearing, at the time of filing of any objection to a motion, the objecting party shall schedule a preliminary hearing and shall serve notice thereof upon the moving party.

(3) **Procedure.** At the preliminary hearing, the parties shall be prepared to make specific representations to the court as to the proof and evidence to be submitted at any final hearing. In particular, the parties shall advise the court with specificity as to the issues to be presented at final hearing, and of the identity of any witnesses expected to testify, and a summary of the expected testimony. The court shall have the right to impose appropriate sanctions against any party who fails to prosecute or defend the motion in good faith contrary to the representations made at the preliminary hearing.

(e) **Section 362(e) Notice.**

In any motion filed under this rule, the movant shall serve with the motion a written notice of the requirement of the filing of a response as provided in this rule. In addition, if relief is sought from the automatic stay against acts against property of the estate under Section 362(d) and (e), the notice shall also advise the party against whom relief is sought of the requirements of Section 362(e).

(f) **Proof of Service.**

Any motion filed under this rule shall be accompanied by an appropriate written proof of service of the motion and notice and compliance with the terms hereof.

Related Authority:

11 U.S.C. § 362
Federal Rules of Bankruptcy Procedure 4001, 9013, 9014

Advisory Committee Notes:

This rule specifically requires certain information to be included in a motion for relief from stay. A response must fairly meet the grounds of the motion. Both of these requirements are enhanced by the requirement of specificity in representation at the preliminary hearing. The Advisory Committee considered and rejected, requiring affidavits in regard to factual issues presented. (See, e.g., F.R.B.P. 7056). However, even though the current practice of allowing representation of counsel is continued, in order to achieve the goal of productive preliminary hearings, factual detail in such representation is mandated. Failure of counsel to adhere to this standard may lead to sanction under the rule. See also F.R.B.P. 9011 (F.R.C.P. 11).

LOCAL BANKRUPTCY RULE 4002.1
PROPERTY IN NEED OF ATTENTION OR PROTECTION

(a) **Inventory or Equipment.**

When a stock of goods or business equipment is scheduled, the debtor shall, immediately after the general description thereof, list a present inventory, append a brief explanation of its exact location, the name and address of the custodian thereof, the protection being given such property, and the amount of fire and theft insurance, if any, and state whether prompt additional attention or protection is necessary.

(b) **Need for Immediate Action.**

If a stock of goods includes perishables, or if property or the business premises otherwise requires immediate attention or protection, the debtor or the debtor's attorney, when relief is ordered under chapter 7 or 13, or a trustee is appointed under chapter 11, shall notify the trustee of the need for immediate action. Notification shall be by personal communication, telephone or by facsimile.

Related Authority:

11 U.S.C. §§ 521(4), 704

Advisory Committee Notes:

While this rule reflects current practice in many cases which fall within its scope, it is anticipated that the rule will provide the trustee with additional necessary information in a timely manner in other cases.

LOCAL BANKRUPTCY RULE 4003.1
EXEMPTIONS

(a) **Claim of Exemptions.**

The Idaho Code section under which any exemption is claimed, and each item of property claimed as exempt, shall be described with specificity, without reference to other schedules.

(b) **Claim of Exemption by Joint Debtors.**

If joint debtors claim separate exemptions under Section 522(m), each debtor must make and file a separate itemization in the manner prescribed by subdivision (a) of this rule.

(c) **Objections to Exemptions.**

An objection to a claimed exemption shall state the specific exemption objected to and state the grounds upon which the objection is based. The objection may be granted and the exemption disallowed without a hearing, unless a hearing is requested and set by the debtor(s), the trustee, or a party in interest.

Related Authority:

11 U.S.C. § 522
Idaho Code §§ 11-604, 11-605 and 55-1001, et seq.
Federal Rules of Bankruptcy Procedure 1007, 4003

Advisory Committee Notes:

This rule addresses the common problem of failure of the debtors to provide sufficient information regarding the exemptions claimed. It also reflects, in subdivision (c), the fact that hearings in many cases are not needed or demanded by debtors after review of the objection. Under F.R.C.P. 4003(b), copies of an objection to a claim of exemption must be delivered or mailed to the trustee, the person claiming the exemption and the attorney for such person. The debtor's right to a hearing is preserved, however. The trustee may also request and set a hearing. This may be necessary, for example, in cases where the debtor amends the claim of exemption but such amendment is itself objectionable or does not fully resolve the original objection.

LOCAL BANKRUPTCY RULE 4003.2
AVOIDANCE OF LIENS ON EXEMPT PROPERTY

(a) **Specificity.**

All Section 522(f) lien avoidance motions and attendant orders must contain a specific description of the subject lien interest, the property upon which the lien is claimed and to be avoided, the extent to which such lien is to be avoided, and the exemption which is impaired.

(b) **Nature of Relief.**

The language contained in such motions to avoid lien, and attendant orders, should be substantially identical to the language of Section 522(f).

(c) **Notice.**

Notice of such a motion to avoid a lien pursuant to Section 522(f) need be given only to the trustee and to the creditor claiming the lien.

Related Authority:

11 U.S.C. § 522(f)
Federal Rules of Bankruptcy Procedure 4003(d), 9014

Advisory Committee Notes:

Many Section 522(f) lien avoidance motions and orders are factually incomplete, vague or ambiguous. Additionally, the court has found that many of the proposed orders granting relief improperly recite that the lien is absolutely "void," rather than avoided "to the extent that such lien impairs an exemption to which the debtor would have been entitled."

LOCAL BANKRUPTCY RULE 4003.3
DEBTOR'S FAILURE TO PERFORM ACCORDING TO STATED INTENTION

(a) **Request for Hearing.**

In the event a debtor who is required to file a statement of intention with respect to consumer debts secured by property of the estate, fails to timely perform according to his stated intention, as provided by Section 521(2), then upon request of either the trustee or a creditor affected thereby, the debtor(s) shall be required to appear before a judge to provide an explanation for such failure to perform. Such a request shall be made by motion and shall be served upon the debtor(s), debtor's attorney, the trustee, and the creditor affected thereby, if applicable.

(b) **Hearing and Order.**

At the hearing on the motion, a judge may order the debtor(s) to perform or may provide such other relief to the estate and creditor as may be appropriate, including granting relief from the automatic stay in favor of the affected creditor and/or imposing sanctions.

Related Authority:

11 U.S.C. §§ 521(2), 522(b), 524(c), 704(3), 722
Federal Rules of Bankruptcy Procedure 1007(b)(2) 4002, 4003(f), 4008, 6008, 9013, 9014
Bankruptcy Official Form No. 8

Advisory Committee Notes:

This rule is designed to allow enforcement without unduly burdening the trustee to determine whether the stated intentions have been fully and properly performed by the debtor(s). Much of the referenced authority concerns alternatives available to the debtor(s) in dealing with property under Section 521, but is not intended to be limiting.

LOCAL BANKRUPTCY RULE 4008.1
REAFFIRMATIONS

(a) Where Debtor Is Not Represented by Counsel.

Applications for approval of reaffirmation agreements in cases in which the debtor is not represented by counsel shall be accompanied by a copy of the reaffirmation agreement signed by both the creditor and the debtor(s), and by a proposed order approving the application. All such applications must be scheduled for a hearing before the Court, and the debtor must be present at such hearing.

(b) Where Debtor is Represented by Counsel.

Applications for approval of reaffirmation agreements in cases in which the debtor is represented by counsel shall be accompanied by a copy of the reaffirmation agreement signed by both the creditor and the debtor(s), and by an affidavit or declaration by debtor's attorney executed pursuant to Section 524(c)(3) of the Bankruptcy Code, together with a proposed order approving the application. Such applications shall either (1) be scheduled for hearing before the Court, at which hearing both the debtor and debtor's attorney must be present; or (2) be accompanied by a written waiver of hearing signed by the creditor and the debtor(s), provided, however, the Court may require a hearing on the application.

(c) Content of Reaffirmation Agreements and Counsel's Affidavit or Declaration.

In addition to any other appropriate provisions, all reaffirmation agreements and affidavits or declarations of counsel submitted in connection therewith must contain the information required by Section 524(c) of the Bankruptcy Code.

Related Authority:

11 U.S.C. § 524
Federal Rule of Bankruptcy Procedure 4008

Advisory Committee Notes:

This rule attempts to reflect current practice, including the lack of mandatory "discharge hearings," in this District. The rule contemplates, in subdivision (c), that a hearing will be held only upon the request of a party, and that notice of such hearing will be filed with the application and an executed agreement. Hearings, under Section 524(c) and (d) are permissive except in those situations where an agreement is made after entry of discharge, or when the waiver and agreement are not provided.

LOCAL BANKRUPTCY RULE 5005.1
HEARINGS, MEETINGS, AND FILINGS

(a) **Hearings and Meetings.**

Bankruptcy Court hearings and meetings are regularly scheduled in Boise, Coeur d'Alene, Moscow, Pocatello, Twin Falls and Jerome.

(b) **Filing of Pleadings and Papers.**

All pleadings, motions and other pertinent papers may be filed with the office of the Clerk of Court in Boise, Pocatello, Moscow and Coeur d'Alene. When a judge is sitting elsewhere in the District, such papers may be filed with the deputy clerk at such place.

Related Authority:

28 U.S.C. § 156
Federal Rule of Bankruptcy Procedure 5005

Advisory Committee Notes:

Hearings and Section 341(a) meetings are held in various sites depending upon the county of the debtor's residence or principal place of business. The court's designation of counties within each area is as follows:

Eastern Calendar (Pocatello):

Federal Building & U.S. Courthouse, 250 S 4th Ave, Pocatello, Idaho
341(a) meetings of creditors and matters before the Court.

Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, Teton.

Central Idaho Calendar (Twin Falls for court hearings and Jerome for Section 341(a) meetings):

Matters before the Court: Snake River Adjudication District Court,
253 3rd Ave N, Twin Falls, Idaho

341a(a) creditors meetings: Jerome County Courthouse, 300 N Lincoln,
2nd Floor, Jerome, Idaho

Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls.

Southern Calendar (Boise):

Matters before the court: Federal Building & U.S. Courthouse, 550 W Fort St, 4th Floor, Boise, Idaho

341(a) meetings of creditors: Office of U.S. Trustee, Federal Building & U.S. Post Office, 8th & Bannock Sts, 3rd Floor, Rm 333, Boise, Idaho

Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington (and referred Malheur County Oregon cases).

Central Calendar (Moscow);

Matters before the court and 341(a) meetings of creditors.
Federal Building & U.S. Courthouse, 220 E 5th St, Moscow, Idaho

Clearwater, Idaho, Latah, Lewis, Nez Perce.

Northern Calendar (Coeur d'Alene):

Matters before the court and 341(a) meetings of creditors.
Federal Building & U.S. Courthouse, 205 N 4th St, Rm # 216,
Coeur d'Alene, Idaho

Benewah, Bonner, Boundary, Kootenai, Shoshone.

This rule contemplates continuation of the current practice of not allowing the filing of any pleadings at the time of the Section 341(a) meeting of creditors. It further eliminates the practice of allowing the filing of amendments to schedules, etc., at the Section 341(a) meeting since the same are not time-critical and can be mailed to the court. It also reflects the fact that the U.S. Trustee and panel trustees, and not the clerk, conduct such meetings.

LOCAL BANKRUPTCY RULE 5005.2
DOCUMENTS FOR FILING OR ADMINISTERING

(a) **Petition in bankruptcy.**

Except as provided in F.R.B.P. 5005(a), the time of filing a petition the document will be reviewed for legibility; correct size of paper (8 ½ x 11); sufficiency of amount of copies; correctness of fee or application for payment of fees in installments; Master Mailing List (MML); attorney's disclosure statement, if application for payment of fees in installments is submitted; and signatures of the debtor/joint debtor.

(b) **No filing fee or an inappropriate amount submitted; and Facsimile pleadings.**

See General Order No. 97

Related Authority:

Federal Rule of Bankruptcy Procedure 5005
LBR 1002.1, 1006.1, 1006.2, 1007.1, 1007.3, 4001.2, 5007.1, 5010.1, 7003.1, 9004.1, 9004.2
District Court LDR 5.1
District of Idaho General Order No. 97

LOCAL BANKRUPTCY RULE 5007.1
FILES, RECORDS AND EXHIBITS

(a) **Custody and Withdrawal.**

All files and records of the court shall remain in the custody of the clerk, subject to examination by the public without charge. No record or paper or article belonging to the files of the court shall be taken from the custody of the clerk without a special order of the court and a receipt given by the party obtaining it describing the item and date of receipt, except as otherwise provided in this rule. Withdrawal orders will be made only in exceptional circumstances.

(b) **Exhibits Part of Files.**

Every exhibit offered in evidence, whether admitted or not, becomes a part of the files.

(c) **Substitution of Copies.**

Unless there be some special reason why original exhibits or depositions should be retained, the Bankruptcy Court may, on stipulation or application, order them returned to the party to whom they belong upon filing of a copy either certified by the clerk or approved by counsel for all parties concerned.

(d) **Disposition of Exhibits.**

(1) Delivery to Person Entitled. In all proceedings in which final judgment has been entered, and the time for filing a motion for new trial or rehearing and for appeal has passed, or in which a final order on appeal has been entered, any party or person may withdraw any exhibit or deposition originally produced by such party without court order, upon ten (10) days written notice to all parties, unless within that time another party or person files notice of claim thereto with the clerk. In the event of competing claims, the court shall determine the person entitled and order delivery accordingly. For good cause shown, the court may allow withdrawal or determine competing claims in advance of the time above specified.

(2) Unclaimed Exhibits. If exhibits or depositions are not withdrawn within thirty (30) days of the time when notice may be given under subdivision (1) of this subdivision (d), the clerk may destroy them or make other disposition as appears proper.

(e) **Retention of Electronic Recordings.**

(1) Section 341(a) Meetings. Retention and preservation of electronic sound recordings of the Section 341(a) meeting of creditors is the responsibility of the U.S. Trustee. Copies of the recordings may be obtained from the U.S. Trustee.

(2) Court Hearings and Proceedings. Electronic sound recording and/or court reporter's stenographic records of any Bankruptcy Court proceeding shall be retained and preserved by the clerk. Copies of the recordings may be obtained from the clerk upon payment of the tape duplication fee. Transcripts may be obtained upon written request. Requests for

either duplicate tapes or transcripts shall identify the name, address and phone number of the requesting attorney, the case name and case number, and the date of the subject hearing or proceeding

Related Authority:

11 U.S.C. § 107,
28 U.S.C. § 156(e)
Federal Rule of Bankruptcy Procedure 5007 and 2003(c)
District of Idaho Court Reporter Management Plan

Advisory Committee Notes:

Subsection (e) reflects the current administrative requirements which control the clerks and U.S. Trustee's retention of electronic recordings of meetings and proceedings. Transcription from the duplicate tape of the Section 341(a) meeting is the responsibility of counsel, while the clerk will obtain the transcript of court hearings and charge counsel therefor. The Advisory Committee determined not to address issues of "certification" or the evidentiary use of such transcriptions.

LOCAL BANKRUPTCY RULE 5009.1
CLOSING OF CASES

(a) Closing of cases.

The clerk may close any open case which is otherwise eligible for closing despite a motion pending therein if a hearing date on such motion has not been obtained from the clerk within twenty (20) days of the filing of the motion, or where an order has not been submitted by the moving party within twenty (20) days of the date when such an order could properly be executed.

(b) Final Decree in Chapter 11 Reorganization Case.

(1) Certain statistical information must be supplied by the debtor to the clerk, including:

(A) Percent of dividend to be paid;

(B) Amounts paid or to be paid for

Trustee compensation

Attorney for trustee

Attorney for debtor

Other professionals (e.g. accountant, bookkeeper, auctioneer, etc)

All expenses, including trustee's;

(C) Total amounts for claims allowed (listed separately)

Secured

Priority

Unsecured

Equity security holders.

(2) A final decree closing the case after the estate is fully administered does not affect the right of the court to enforce or interpret its own orders.

(3) The clerk may close an open chapter 11 case subsequent to entry of an order confirming a plan of reorganization upon provision of not less than thirty (30) days written notice to the debtor(s), to counsel for debtor(s), and to the U.S. Trustee.

Related Authority:

11 U.S.C. § 350

Federal Rules of Bankruptcy Procedure 3022, 5009

Advisory Committee Notes:

Entry of a final decree closing a Chapter 11 case should not be delayed solely because the payments required by the plan have not been completed. F.R.B.P. 3022. Many cases otherwise eligible to be closed have pending motions never brought on for hearing and/or stipulations upon which orders have never been presented. This rule is designed to encourage the prompt noticing of matters and submission of orders. See also LBR 5010.1.

Upon request, the clerk will furnish a chapter 11 form for the required closing statistical information.

LOCAL BANKRUPTCY RULE 5010.1
REOPENING FEES AND PROCEDURES

Once a case is properly closed by the clerk, any party wishing to file a pleading or other document therein must submit a motion and order reopening the case and pay the attendant fee.

Related Authority:

11 U.S.C. § 350(b)
Federal Rules of Bankruptcy Procedure 5009, 5010

Advisory Committee Notes:

There are only limited circumstances where the court may act without reopening a case. See Federal Rule of Bankruptcy Procedure 9024. The "attendant fee" is the same as the filing fee for a case under such Chapter in effect as of the time of the motion to reopen.

LOCAL BANKRUPTCY RULE 7001.1
DISMISSAL OF ADVERSARY PROCEEDINGS CONTESTING DISCHARGE

An adversary proceeding objecting to entry of discharge of the debtor(s), or seeking to revoke entry of discharge of the debtor(s), shall be dismissed only upon compliance with the following conditions.

(a) **Motion.**

The plaintiff shall file a motion which sets forth with particularity the grounds upon which the request for dismissal is based.

(b) **Affidavit.**

Contemporaneously with such motion, there must be filed an affidavit of the plaintiff setting forth any consideration, monetary or otherwise, received in connection with such requested dismissal.

(c) **Service of Pleadings.**

Proof of service of the motion and affidavit provided for in subdivisions (a) and (b) of this rule, reflecting service upon the trustee and upon any committee appointed under the Code, must be filed within five (5) days of the motion.

(d) **Notice to Creditors and Hearing.**

Notice of such intended dismissal, and of the hearing thereon, shall be issued by the moving party and served upon all creditors and parties in interest in the debtor(s)' case, and proof of such service filed with the clerk.

(1) This requirement of notice shall not apply to dismissal of adversary proceedings brought by a trustee to deny or revoke discharge on the grounds of failure to file tax returns, failure to amend schedules, or failure to turn over property or records.

Related Authority:

11 U.S.C. §§ 727, 1141, 1228, 1328
18 U.S.C. § 152
Federal Rules of Bankruptcy Procedure 7001(4), 7041

Advisory Committee Notes:

Federal Rule of Bankruptcy Procedure 7041 and case precedent, limit voluntary dismissal of complaints generally objecting to discharge of debtors (as contrasted with those actions under Section 523 of the Code contesting dischargeability of individual debts). This rule clarifies the requirements previously imposed by the court in most cases. Subsection (b) is, in part, in reference to the criminal prohibition upon the giving, receiving, offering or seeking to obtain any money, property or other advantage in return for acting or forbearing to act in a case under Title 11, U.S.C.

LOCAL BANKRUPTCY RULE 7003.1
COMMENCEMENT OF ADVERSARY PROCEEDINGS

(a) **Cover Sheet.**

Every complaint commencing an adversary proceeding under Federal Rule of Bankruptcy Procedure 7003 shall be accompanied by a completed "Adversary Proceeding Cover Sheet" and a summons prepared in compliance with the Federal Rules of Civil Procedure and practice in U.S. District Court for the District of Idaho, with sufficient copies for service. Blank forms for compliance with this rule will be furnished by the clerk upon request.

(b) **Form.**

All pleadings in an adversary proceeding shall meet the requirements of Federal Rule of Bankruptcy Procedure 7010 and the Official Forms, including identification of the debtor and the debtor's bankruptcy case number.

(c) **Adversary Number and Summons.**

Upon the filing of a complaint under Federal Rule of Bankruptcy Procedure 7003, the clerk will assign the proceeding an adversary number, which number must thereafter appear on all pleadings, and issue the summons which will then be returned to the plaintiff who will be responsible for service according to Federal Rule of Bankruptcy Procedure 7004.

Related Authority:

Federal Rules of Bankruptcy Procedure 7003, 7004, 7010, 9004(b)

LOCAL BANKRUPTCY RULE 7005.1
NON-FILING OF DISCOVERY AND LIMITATIONS ON DISCOVERY

(a) **Adversary Proceedings.**

All discovery, including depositions upon oral examination or written questions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto, shall be served but shall not be filed except upon order of a judge following a motion by a party in interest.

(b) **Contested Matters.**

All discovery made in a contested matter pursuant to Federal Rule of Bankruptcy Procedure 9014, including depositions upon oral examination or written questions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto, shall be served but shall not be filed with the court except upon order of a judge following a motion by a party in interest.

(c) **Limitations on Discovery.**

All discovery made in a contested matter pursuant to Federal Rule of Bankruptcy Procedure 9014 is subject to the following limitations absent stipulation of the opposing party or order of a judge upon a showing of good cause waiving or modifying such limitations:

(1) Interrogatories: No party shall serve upon any other party more than twenty-five (25) interrogatories, in which sub parts of interrogatories shall count as separate interrogatories.

(2) Requests for Admission: No party shall serve upon any other party more than twenty-five (25) requests for admissions.

Related Authority:

Federal Rules of Bankruptcy Procedure 7005, 7026, 7033, 7036, 9014

Advisory Committee Notes:

Subdivisions (a) and (b) are designed to eliminate the filing burden upon the court in the majority of cases where discovery is never utilized prior to or at trial or prior to disposition of the case, as well as eliminate any potential problems caused by the nature or admissibility of the material included in the discovery requests or responses.

The provision of the rule set forth in subdivision (c) is meant to control abuses of discovery processes in regard to motion practice under the provisions of Rule 9014 regarding "contested matters" while still preserving availability and usefulness of discovery in proper circumstances. If appropriate, and in what are believed to be extraordinary circumstances, the court may modify the limitations. A similar limitation is not imposed in adversary proceedings, though the Advisory Committee considered adoption of the limitations of the Idaho Rules of Civil Procedure. A responding party may still, however, seek protection of the court in regard to burdensome or oppressive discovery. See, e.g., Federal Rule of Civil Procedure 26(b)(1) and 26 (c) and Federal Rule of Bankruptcy Procedure 7026.

LOCAL BANKRUPTCY RULE 7038.1
JURY TRIALS

(a) **Applicability of Certain Federal Rules of Civil Procedure.**

Rules 38, 39, and 47-51 F.R.Civ.P., and Rule 81(c) F.R.Civ.P. insofar as it applies to jury trials, apply in cases and proceedings, except that a demand made under Rule 38(b) F.R.Civ.P. shall be filed in accordance with Bankruptcy Rule 5005.

(b) **Consent to Have Trial Conducted by Bankruptcy Judge.**

If the right to a jury trial applies, a timely demand has been filed under Rule 38(b) F.R.Civ.P., and the bankruptcy judge has been specially designated to conduct the jury trial, the parties may consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly or separately filing a statement of consent no later than ten (10) days after service of the demand.

Judicial Conference Rules Committee Note:

This rule provides procedures relating to jury trials. This rule is not intended to expand or create any right to trial by jury where such right does not otherwise exist.

LOCAL BANKRUPTCY RULE 7041.1
DISMISSAL OF INACTIVE ADVERSARY PROCEEDINGS

(a) **Dismissal.**

In the absence of a showing of good cause for retention, any adversary proceeding in which no action has been taken for a period of four (4) months may be dismissed, without prejudice, at any time.

(b) **Notice.**

At least twenty (20) days prior to such dismissal, the clerk shall give notice of the pending dismissal to all attorneys of record, and to any party appearing on its own behalf, in such adversary proceeding. The notice shall be sent to the last address of such attorneys or parties as shown in the official court adversary proceeding file.

Related Authority:

Federal Rule of Bankruptcy Procedure 7041

Advisory Committee Notes:

The rule does not refer to "contested matters" under Federal Rule of Bankruptcy Procedure 9014 since justification for a similar rule is not present for motions within a case.

LOCAL BANKRUPTCY RULE 7054.1
COSTS

Upon entry of judgment in an adversary proceeding, costs shall be claimed, taxed, objected to, and reviewed as provided in the Local Rules of the District Court for the District of Idaho.

Related Authority:

28 U.S.C. §§ 1920-1923
Federal Rule of Bankruptcy Procedure 7054(b)
Federal Rule of Civil Procedure 54(d)

Advisory Committee Notes:

This rule incorporates the Local Rules of the District Court for the District of Idaho.

LOCAL BANKRUPTCY RULE 7067.1
DEPOSITS (REGISTRY FUND)

- (a) Whenever a party seeks an order for money to be deposited by the clerk in an interest bearing account, the party shall prepare a form of order in accord with the following.
- (b) The following form of standard order shall be used for the deposit of registry funds into interest bearing accounts or the investment of such funds in an interest bearing instrument:

IT IS ORDERED that the clerk invest the amount of \$_____ in an automatically renewable (type of account or instrument, i.e., time certificate, treasury bill, passbook), in the name of the clerk, U.S. District Court, at (name of bank, savings and loan, brokerage house, etc.), said funds to remain invested pending further order of the court.

IT IS FURTHER ORDERED that the clerk shall be authorized to deduct a fee from the income earned on the investment equal to 10 percent of the income earned while the funds are held in the court's registry fund, regardless of the nature of the case underlying the investment and without further order of the court. The interest payable to the U.S. Courts shall be paid prior to any other distribution of the account. Investments having a maturity date will be assessed the fee at the time the investment instrument matures.

IT IS FURTHER ORDERED that counsel presenting this order personally serve a copy thereof on the clerk or his financial deputy. Absent the aforesaid service, the clerk is hereby relieved of any personal liability relative to compliance with this order.

Related Authority:

Federal Rule of Bankruptcy Procedure 7067
Federal Rule of Civil Procedure 67
28 U.S.C. § 2041-2042

Advisory Committee Notes:

See General Order No. 57 dated September 15, 1989 and General Order No. 70 dated December 6, 1990.

LOCAL BANKRUPTCY RULE 8001.1
RULES APPLICABLE TO BANKRUPTCY APPEALS

(a) **Rules Applicable to Bankruptcy Appeals.**

(1) All Appeals. In addition to rules in Part VIII of the Federal Rules of Bankruptcy Procedure and Third Amended District Court General Order No. 38, LBR 8001.1 applies to all appeals from a judgment, order, or decree of a judge.

(2) Bankruptcy Appellate Panel. For the purposes of these Local Bankruptcy Rules, BAP shall mean the United States Bankruptcy Appellate Panel of the Ninth Circuit.

(b) **Filing of Notice of Appeal.**

An appellant shall file the original notice of appeal and three (3) copies, together with the appropriate filing fee, with the clerk. In addition, an appellant must file with the clerk sufficient copies of the notice of appeal and addressed stamped envelopes for each party listed in the appeal.

(c) **Form and Time of Consent.**

(1) Consent. The consent of a party to allow an appeal to be heard and determined by the BAP shall be deemed to have been given unless written objection is filed with the Clerk of the Bankruptcy Court either:

(A) by appellant with the notice of appeal or motion for leave to appeal; or

(B) by any other party within thirty (30) days from the date of service of notice of the appeal.

When an appellant files both a notice of appeal and a motion for leave to appeal, consent will be deemed revoked if an objection to BAP determination is filed with respect to either pleading.

(2) Effect of Timely Objection. Upon timely receipt of a written objection to an appeal being heard and determined by the BAP, jurisdiction over the appeal shall be immediately transferred to the District Court and the bankruptcy court clerk shall not forward any appeal documents, or any further documents, to the BAP. If the objection is timely, but filed after some of the appeal documents have been transferred to the BAP, the BAP clerk shall promptly return to the bankruptcy court clerk all appellate documents for administration.

(3) Objection Filed with Notice of Motion. If a written objection is filed with the notice of appeal or motion for leave to appeal, the bankruptcy court clerk shall not be required to forward any appeal documents to the BAP.

(d) **Transmittal of Record.**

When the record is complete for purposes of appeal to either the District Court or the BAP, a copy thereof will be transmitted, and the original bankruptcy court record shall remain in the office of the bankruptcy court clerk.

Related Authority:

28 U.S.C. § 158
Federal Rules of Bankruptcy Procedure 8001-8019

Advisory Committee Notes:

The clerk will provide parties to an appeal, and to others upon request, copies of Amended General Order No. 38. In the event an appeal is heard by the BAP (see LBR 8001.1(c) the BAP rules shall apply.

LOCAL BANKRUPTCY RULE 9004.1
FORM OF ORDERS

(a) Separate Documents.

All orders must be submitted on a document separate from any attendant motion or stipulation. All orders shall contain the proper case caption, the name, address and telephone number of the submitting attorney(s), and the name of the party(s) represented.

(b) Requisite Information.

All orders submitted must identify with specificity the application, motion or other pleading to which it corresponds, and the court hearing, if any, from which it resulted. The order must also specifically identify the property or interest with which it deals.

Related Authority:

Federal Rules of Bankruptcy Procedure 9004(b), 9013

Advisory Committee Notes:

Motions which contain orders within the same pleading cause filing and case control issues for the clerk. Additionally, some "separate" orders presently submitted are incomplete, misleading or confusing. Certain orders, such as those regarding lien avoidance, sale, abandonment or relief from stay, must adequately describe the subject property or interest.

LOCAL BANKRUPTCY RULE 9010.1
ATTORNEYS

(a) Eligibility for Admission.

(1) Any attorney who has been admitted to practice in the Supreme Court of the State of Idaho is eligible for admission to the Bar of this Court. Any attorney admitted to practice before the District Court for the District of Idaho is admitted to the bar of the Bankruptcy Court without further process.

(2) Each applicant for admission shall present to the clerk a written petition or admission, stating the applicant's residence and office addresses and by what courts he has been admitted to practice and the respective dates of admission to those courts. The petition shall be accompanied by a certificate of a member of the Bar of this Court, stating that such member knows the applicant and can affirm that the applicant is of good moral character.

(3) Each applicant for admission shall pay to the clerk the requisite admission fee.

(b) Practice in this Court.

Only a member of the Bar of this Court may enter appearances for a party, sign stipulations or receive payment or enter satisfactions of judgments, decrees, or orders.

(c) Attorneys for the United States.

An attorney who is not admitted under this rule but who is a member in good standing of and eligible to practice before the Bar of any United States Court or of the highest court of any state or any territory or insular possession of the United States, and who is of good moral character, may practice in this Court in all actions and proceedings in which such attorney is employed or retained by, and is representing, the United States government or any of its officers or agencies. Attorneys so permitted to practice in this Court are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the Bar of this Court.

(d) Admission Pro Hac Vice.

(1) Any member in good standing of the Bar of any United States Court, or of the highest court of any state or any territory or insular possession of the United States, who is of good moral character and has been retained to appear in this Court, and who is not admitted to the Bar of this Court, may be permitted, after written application and without previous notice, to appear and participate in a particular case and related proceedings.

(2) The application shall be presented to the clerk and shall state under penalty of perjury the attorney's residence and office addresses, what court(s) the attorney has been admitted to practice and the date(s) of admission, that the attorney is in good standing and eligible to practice in said court(s), and that the attorney is not currently suspended or disbarred in any other court(s).

(3) Such applicant shall also designate, in his or her application to so appear, a member of the Bar of this Court who maintains an office in this District for the practice of law. The applicant shall also file with such application the address, telephone number and written consent of such designee. Unless otherwise ordered, the designee shall personally appear with the attorney on all matters heard and tried before the Court. Original proceedings may be filed by an attorney

before admission pro hac vice, but the time for filing of any responsive pleading shall not begin to run until the appearance of associated local counsel is filed with the clerk.

(4) The application shall be accompanied by the requisite admission fee made payable to the clerk, together with a proposed Order for the clerk's signature. (General Order No. 59)

(e) **Appearances.**

(1) All appearances in this Court must be made by an attorney of this Court, unless the party appears in propria persona. Whenever a party has appeared by an attorney, he may not thereafter appear or act in his own behalf in the action, or take any step therein, unless a request for substitution or withdrawal, in accord with this rule, shall first have been made by that party and filed with the clerk, and after notice to the attorney of such party and to any opposing party; provided that a judge may in its discretion hear a party in open court notwithstanding the fact that he has appeared or is represented by an attorney. When an attorney of record for any reason ceases to act for a party, such party should appoint another attorney or appear in person.

(2) Persons representing themselves without an attorney must appear personally for such purpose and may not delegate that duty to any other person. Any person so represented without an attorney is bound by these Local Rules, the Federal Rule(s) of Procedures, and by the Federal Rules of Civil Procedure. Failure to comply therewith may be grounds for dismissal or judgment by default. While such person may seek outside assistance in preparing court documents for filing, that person is expected to personally participate in all aspects of the litigation, including court appearances. In exceptional circumstances, a judge may modify these provisions to serve the ends of justice.

(3) Whenever a corporation or partnership desires or is required to make an appearance in this Court, the appearance shall be made only by an attorney of the Bar of this Court or an attorney permitted to practice under these rules.

(4) In all Oregon cases heard before this Court, and in all proceedings related thereto, Oregon counsel not previously admitted to the Bar of this Court under subdivision (a) of this rule may appear for the debtor(s) or a creditor or party in interest without compliance with the requirements of pro hac vice admission as set forth in subdivision (d) of this rule.

(f) **Substitutions and Withdrawals.**

(1) When an attorney of record for any person ceases to act for a party, such party shall appear in person or appoint another attorney by a written substitution of attorney signed by the party, the attorney ceasing to act, and the newly appointed attorney or by a written designation filed in the action and served upon the attorney ceasing to act unless said attorney is deceased, in which event the designation of a new attorney shall so state. Until such substitution is approved by the court, the authority of the attorney of record shall continue for all proper purposes.

(2) No attorney of record for a party may withdraw from representation of that party without leave of the court. Before an attorney is to be granted leave to withdraw, he shall present to the court a proposed order permitting the attorney to withdraw and directing his client to appoint another attorney to appear, or to appear in person by filing a written notice with the court stating how he will represent himself, within twenty (20) days from the date the court enters the order authorizing withdrawal. After the court has entered such order, the withdrawing attorney shall forthwith and with due diligence, serve copies of the same upon his client and all parties entitled to notice under the Federal Rule(s) of Procedures or these rules. The order shall provide that the withdrawing attorney shall continue to represent the client until proof of service of the withdrawal order on the client has been filed in the court.

(3) Upon the entry of the order and the filing of proof of service on the client, no further proceedings can be had in the action which will affect the rights of the party represented by the withdrawing attorney for a period of twenty (20) days. If the party fails to appear in the action, either in person or through a newly appointed attorney within such twenty (20) day period, such failure shall be sufficient grounds for the entry of default against such party or dismissal of the action without further notice, which shall be stated in the order.

(g) Standards of Professional Responsibility.

The members of the Bar of this Court shall adhere to the Rules of Professional Conduct promulgated and adopted by the Supreme Court of the State of Idaho. These provisions, however, shall not be interpreted to be exhaustive of the standards of professional conduct and responsibility. No attorney permitted to practice before this Court shall engage in any conduct which degrades or impugns the integrity of the court or in any manner interferes with the administration of justice therein.

(h) Attorney Discipline.

(1) Disbarment. When any member of the Bar of this Court has been disbarred or suspended from the practice of law by any court of competent jurisdiction, he or she shall have thirty (30) days within which to present compelling reason why he or she should not be disbarred or suspended by this Court. Failure to present such reasons, or failure to notify this Court of disbarment or suspension, shall result in disbarment or suspension forthwith from practice before this Court.

(2) Discipline. In the event any attorney engages in conduct which may warrant discipline or other sanctions, a judge may, in addition to initiating proceedings for contempt under Federal Rule(s) of Bankruptcy Procedures 9020 or Title 18 of the United States Code or imposing other appropriate sanctions, refer the matter to the disciplinary body of any court before which the attorney has been admitted to practice.

(3) Local Rule 83.6 of the District Court for the District of Idaho is incorporated by reference.

(I) Multiple Counsel.

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the court, unless the court otherwise permits.

Related Authority:

Federal Rules of Bankruptcy Procedure 9010, 9011, 9020
District Court of Idaho General Order No. ~~59~~ 132

Advisory Committee Notes:

Many of the provisions of LBR 9010.1 are substantially identical to Local Rules of the District Court for the District of Idaho.

Legal interns may appear in the Bankruptcy Court to the same extent and by the same procedure as authorized by the Local Rules of the District Court for the District of Idaho.

The provision of (e)(4) is meant to continue current practice under which members of the Bar of the District of Oregon may appear in those eastern Oregon bankruptcy cases and proceedings administered by this Court through agreement with the U.S. Bankruptcy Court for the District of Oregon. Such counsel need not be admitted to practice pro hac vice, but the authority to appear is limited solely to the Oregon case and its related proceedings.

A non-appropriated fund has been established in this District, effective September 1, 1989, which is used for various purposes to the benefit of bench and bar. Attorney admission fees are \$40.00 and pro hac vice fees are \$20.00. See General Order No. 56. This fee includes admission to both the District Court and the Bankruptcy Court.

LOCAL BANKRUPTCY RULE 9034.1
SERVICE OF DOCUMENTS ON UNITED STATES TRUSTEE

(a) **Service of Documents.**

The following documents shall be served upon the Office of the United States Trustee:

(1) Cases. Any document filed in cases under chapter 7, 9, 11 and 12 of the Bankruptcy Code, *except* proofs of claim, and *except* petitions and accompanying materials that are included in the initial filing with the Bankruptcy Court.

(A) Copies of applications for approval of employment, or for allowance of interim or final compensation of professionals, together with all supporting affidavits, exhibits or other documents, shall be served upon the office of the United States Trustee at the time of filing.

(2) Adversary Proceedings.

(A) Any document filed in any adversary proceeding related to a case under chapter 9 or 11, if such document is required to be filed with the Bankruptcy Court;

(B) Any document filed in any adversary proceeding objecting to discharge under 11 U.S.C. Section 727; or

(C) Any document filed in any adversary proceeding where a bankruptcy trustee is named as a party defendant.

(b) **Manner of Service.**

All such documents which are filed with the Bankruptcy Court and which must be served in accordance with this rule shall be accompanied by proof of service on the United States Trustee at the following address:

(Street Address)	OR	(Mailing Address)
Office of the United States Trustee		Office of the United States Trustee
304 N. 8th Street Rm 347		Post Office Box 110
Boise ID 83702		Boise ID 83701

(c) **Noncompliance.**

The United States Trustee has exclusive standing to object to noncompliance with any provision of this rule, with the exception of service of those items specifically enumerated in Federal Rule of Bankruptcy Procedure 9034.

Related Authority:

Federal Rules of Bankruptcy Procedure 2020, 9034.

APPENDIX

Effective 1/1/98

APPENDIX I
UNITED STATES BANKRUPTCY COURT
FILING FEE SCHEDULE (Abbreviated version) ¹

Payment of fees must be made in the form of cash, cashier's check, U.S. Postal money order, or money order from a banking institution. Please do not send cash through the mail.

Payment must be payable to: Clerk of U.S. Bankruptcy Court

Chapter 7	\$ 175.00 <i>Filing Fee \$130 + \$15 trustee fee + \$30 Administrative Fee</i>
Chapter 9	\$ 330.00 <i>Filing Fee \$300 + \$30 Administrative Fee</i>
Chapter 11	\$ 830.00 <i>Filing Fee \$800 + \$30 Administrative Fee</i>
Chapter 11 railroad	\$ 1,030.00 <i>Filing Fee \$1,000 + \$30 Administrative Fee</i>
Chapter 12	\$ 230.00 <i>Filing Fee \$200 + \$30 Administrative Fee</i>
Chapter 13	\$ 160.00 <i>Filing Fee \$130 + \$30 Administrative. Fee</i>

When any estate filed as a joint petition is later separated at the request of the debtor a fee one-half the filing fee for the separation of a joint petition is due as follows:

Chapter 7	\$ 65.00
Chapter 11	\$ 400.00
Chapter 12	\$ 100.00
Chapter 13	\$ 65.00

REOPENING FEE: *Is the same as for current filing fee at the time of reopening. (Does not require Admin. Fee)*

Chapter 7	\$130.00
Chapter 9	\$300.00
Chapter 11	\$800.00
Chapter 11 railroad	\$1,000.00
Chapter 12	\$200.00
Chapter 13	\$130.00

¹ Appendix II presents the entire Filing Fee Schedule in detail.

Effective 1/1/98

MOTION TO CONVERT TO CHAPTER 7 \$15.00
Or NOTICE OF CONVERSION TO CHAPTER 7 \$15.00
Pursuant to § 1207(a) or § 1307(a) of the Code

CONVERSION FEE

When a chapter 7 or 13 converts to \$400.00
a chapter 11 at the request of the debtor

INVOLUNTARY PETITION:

Chapter 7	\$160.00 (\$15 trustee fee not required)
Chapter 11	\$830.00

MOTIONS

Motion to vacate or modify automatic stay under \$75.00 (½ filing fee of civil action)
USC § 362(a) (No fee for co-debtor motion for
relief under § 1201 or § 1301.)

Motion to withdraw any case or proceeding under \$75.00 (½ filing fee of civil action)
USC § 157(d)

Motion to compel a trustee or debtor in possession to \$75.00 (½ filing fee of civil action)
abandon property of the estate as provided by
Federal Bankruptcy Rule 6007(b)

AMENDMENT FEE

To amend bankruptcy petition schedules \$20.00
of creditors or add creditors to mailing list.
(Unless waived by bankruptcy judge)

APPEALS

Appeal or Review Fee \$105.00 *

Cross-Appeal \$105.00 *

* \$5 Notice of appeal fee (1930(c)) + \$100 Docketing Fee to be paid as one fee (\$105.00) at the time of filing of the appeal

BANKRUPTCY ADVERSARY COMPLAINT \$150.00

APPENDIX II
Bankruptcy Court Filing Fees
28 U.S.C. § 1930(a)

- \$175** for a case commenced under chapter 7
(*\$130 filing fee, plus \$30 Administrative fee and \$15 trustee fee - Total \$175*)
- \$330** for a case commenced under chapter 9
(*\$300 filing fee, plus \$30 Administrative Fee - Total \$330*)
- \$830** for a case commenced under chapter 11, that does not concern a railroad
(*\$800 filing fee, plus \$30 Administrative Fee - Total \$830*)
- \$1,030** for a case commenced under chapter 11 for a case concerning a railroad
(*\$1,000 filing fee, plus \$30 Administrative Fee - Total \$1,030*)
- \$230** for a case commenced under chapter 12
(*\$200 filing fee, plus \$30 Administrative Fee - Total \$230*)
- \$160** for a case commenced under chapter 13
(*\$130 filing fee, plus \$30 Administrative Fee - Total \$160*)

For converting a case under chapter 7 or 13 to a case under chapter 11, at the request of the debtor, the debtor shall pay a fee of **\$400**.

28 U.S.C. § 1930(c)

The filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or a writ of certiorari **\$5** shall be paid to the clerk of the court, by the appellant or petitioner.

MISCELLANEOUS
Bankruptcy Court Fee Schedule
28 U.S.C. § 1930(b)

Following are fees to be charged for services to be performed by clerks of the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1, 5, and 23, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I)). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

- (1) For reproducing any record or paper, **50 cents per page**. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.

- (2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, **\$5**. For exemplification of any document or paper, twice the amount of the fee for certification. **(\$10)**
- (3) For reproduction of magnetic tape records, either cassette or reel-to-reel, **\$15** including the cost of materials.
- (4) For amendments to a debtor's schedules of creditors or lists of creditors **\$20 for each amendment**, provided the bankruptcy judge may, for good cause, waive the charge in any case.
- (5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, **\$15 per name or item** searched.
This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (6) For filing a complaint **(\$150)**, a fee shall be collected in the same amount as the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If the United States, other than a United States trustee acting as a trustee in a case under Title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- (7) For filing or indexing any paper not in a case or proceeding for which a filing fee has been paid, including registering a judgment from another district, **\$20**.
- ² (8) In all cases filed under title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$30. This fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.
- (8.1) Upon the filing of a petition under chapter 7 of the Bankruptcy Code, the petitioner shall pay **\$15** to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).

² The \$30 Administrative Fee has been expanded to apply to all chapters , including an involuntary petition filing.

- (8.2) Upon the filing of a motion to convert a case to chapter 7 of the Bankruptcy Code, the movant shall pay **\$15** to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion.
- (9) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. § 1930(a) for commencing a new case on the date of reopening, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets.
- (10) REPEALED.
- (11) REPEALED.
- (12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available **\$3**.
- (13) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, **\$25**.
- (14) For a check paid into the court which is returned for lack of funds, **\$25**.
- (15) REPEALED.
- ³ (16) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. § 158(a) and (b). The fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Court of Appeals Miscellaneous Fee Schedule. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are required to pay only one fee.
- (17) For filing a petition ancillary to a foreign proceeding under 11 U.S.C. § 304, **\$500**.
- (18) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.

³ \$5.00 appeal fee plus \$100.00 docketing fee (total \$105.00) is to be paid at the time of filing of the appeal.

- (19) The clerk shall **assess a charge** for the handling of registry funds, deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (20) When a joint case filed under § 302 of title 11 is divided into two separate cases at the request of the debtor(s), a **fee shall be charged equal to one-half the current filing fee** for the chapter under which the joint case was commenced.
- ⁴ (21) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of Title 11, a motion to compel abandonment of property of the estate pursuant to Bankruptcy Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), a fee shall be collected in the amount of one-half the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If a child support creditor or its representative is the movant, and if such movant files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- ⁵ (22) For docketing a cross appeal from a bankruptcy court determination, the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Court of Appeals Miscellaneous Fee Schedule.
- ⁶ (23) For usage of electronic access to court data, 60 cents per minute of usage (provided the court may, for good cause, exempt persons or classes of persons from the fees in order to avoid unreasonable burdens and to promote public access to such information). All such fees collected shall be deposited to the Judiciary Automation Fund. This fee shall apply to the United States.

⁴ \$75.00, one-half the filing fee of a civil complaint.

⁵ \$5.00 cross appeal plus \$100.00 docketing fee (\$105.00) is to be paid at the time of filing of the appeal.

⁶ General Order # 85 signed 12/3/93 and updated on 9/12/97 by General Order # 140. The District of Idaho exempts all classes of persons from this fee to avoid unreasonable burdens and to promote public access to such information.

**APPENDIX III
UNITED STATES DISTRICT/BANKRUPTCY COURTS**

CHIEF DISTRICT JUDGE	Edward J Lodge		334-9270
		FAX	334-9229
Secretary	Diane McCoy		334-9270
Law Clerk	Nancy Baskin		334-9256
Law Clerk	Deborah Shattuck		334-9239
Law Clerk	Tad Blank		334-9256
Death Penalty Law Clerk	Victoria Manning		334-9156
Court Reporter	Margaret Satterfield		334-9271
In-Court Deputy	Carol Vaughn		334-9022
 DISTRICT JUDGE	 B Lynn Winmill		 334-9145
		FAX	334-9209
Secretary	Camille Ridenour		334-9145
Law Clerk	David Metcalf		334-1891
Law Clerk	Mike Fica		334-1891
Law Clerk	Jason Scott (Pocatello)		234-2589
Court Reporter	Joe Roden		345-9611
In-Court Deputy	LaDonna Garcia		334-9021
 CHIEF MAGISTRATE JUDGE	 Mikel H Williams		 334-9330
		FAX	334-9215
Administratiave Law Clerk	Lisa Mesler		334-9330
Law Clerk	Ted Murdock		334-9331
Pro Se Law Clerk	Raul Labrador		334-1172
In-Court Deputy	Anne L Lawron		334-9387
 MAGISTRATE JUDGE	 Larry M Boyle		 334-9010
		FAX	334-9215
Secretary	Marianne Bowman		334-9010
Law Clerk	Nathan Long		334-9010
In-Court Deputy	Lynette Case		334-9023

CHIEF BANKRUPTCY JUDGE	Jim D Pappas	334-9571
	FAX	334-1334
Secretary	Sylvia Wirth	334-9369
Law Clerk	Chad Hansen	334-9369
In-Court Deputy	MaryAnne Titus	334-9396
 BANKRUPTCY JUDGE	 Alfred C Hagan	 334-9341
	FAX	334-1334
Secretary	Jo Ann Canderan	334-9341
Law Clerk	Bruce Briseno	334-9340
Law Clerk	T.J. Fraiser	334-9340
In-Court Deputy	Randy French	334-9396
 BANKRUPTCY CALENDARING		
Bankruptcy Judges -		
Confirmations, Motions & Trials	Berta Marks	334-9343
First Meetings of Creditors -341(a)	Melanie Hopkins	334-1473
	Irene Rosen	334-1473
 CUSTOMER SERVICE	District Court	334-1361
	Bankruptcy Court	334-1074
	FAX - Clerk's Office	334-9362
	VCIS Bankruptcy Court	334-9386
	PACER	334-9590
	<i>To register for PACER (voice)</i>	334-9342
	Internet http://www.id.uscourts.gov	
 ON-SITE VENDOR SERVICES	Copies of Court Documents	334-9463
 ADMINISTRATIVE		
COURT EXECUTIVE/CLERK OF COURT	Cameron S Burke	
Customer Service		334-1361
	FAX	334-9362
SECRETARY TO CLERK	Glenda J Tipton	334-1539
CHIEF DEPUTY	Sue Beitia	334-9464
ADMINISTRATIVE MANAGER	Tom Murawski	334-9205
ADMINISTRATIVE ANALYST	Ladora L Butler	334-9337
HUMAN RESOURCES	Sharla Worthen	334-9423
BUDGET ANALYST	Cecelia M Ashinhurst	334-1284
FINANCIAL - BANKRUPTCY	Terry McMorrow	334-9397
FINANCIAL - DISTRICT	Chris Tennant	334-9207
PROCUREMENT	GaleTuaoi	334-9398
ADR COORDINATOR/CJRA	Le Parker	334-9208
ADMINISTRATIVE ANALYST		
 INTAKE		
SUPERVISOR	Jeanie Loera	334-1361
	Dana McWhood	334-1074
	Ron Haberman	334-1361

BANKRUPTCY COURT CASE ADMINISTRATORS	FAX	334-9033
Kandie Clark		334-1168
Leslie McCumber		334-1168
Darlene Hand		334-1976
Bob Raeder		334-1178
Berta Marks		334-9343
Kathy Carter		334-1074

SYSTEMS	FAX	334-9033
SUPERVISOR		334-9097
Doug Ward		334-9342
Maria Richardson		334-9716
Linda Cornwell		334-9716
Kathy Stutzman		334-9427
Larry Johnson		334-9427
Gary Stallones		

ELECTRONIC SOUND RECORDER (ESR)		
Vickie Jones		334-1595
Barbara Keck		334-1595

JURY ADMINISTRATOR	Joanne Cook	334-1493
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DIVISIONAL OFFICES

COEUR d'ALENE, ID 83814	205 N 4th St - Rm 202	664-4925
Deputy-In-Charge	Jerry Parker	FAX 765-0270
	Sherri O'Larey	

MOSCOW, ID 83843	220 E 5th St - Rm 304	882-7612
Deputy-In-Charge	Verlene Nelson	FAX 883-1576
	Nancy Persinger	

POCATELLO, ID 83201	250 S 4th St - Rm 263	236-6912
Deputy-In-Charge	Diane Hutchinson	FAX 232-9308
	Tammy Johnson	
	Ronda Buck	
	Dana Storrier	
	Marilyn Smith	

APPENDIX IV

Assignment of case numbers to Bankruptcy Case Administrators. The last 2 digits of the case proceeding number determines the assignment. (Terminal digit assignment)

CASE ADMINISTRATOR UNIT

CASE NUMBER	NAME	PHONE NUMBER
01 - 04	Darlene Hand	334-1976
05 - 34	Leslie McCumber	334-1168
35 - 45	Berta Marks	334-9343
46 - 62	Kathy Carter	334-1074
63 -73 And all appeals	Bob Raeder	334-1178
74- 00 And all Adversary	Kandie Clark	334-1168

All Northern (Coeur d'Alene) Cases:	Jerry Parker	664-4925
All Northern (Moscow) Cases:	Verlene Nelson	882-7612
All Eastern (Pocatello) Cases:	Dana Storrier	236-6912

Bankruptcy Schedule of Calendars

Confirmations, Motions & Trials	Berta Marks	334-9343
First Meeting of Creditors - § 341(a)	Melanie Hopkins and Irene Rosen	334-1473 334-1473

**U.S. District & Bankruptcy Court
District of Idaho
Electronic Information Services**

There are several methods for gaining access to the court's electronic information. All of these access methods are fairly simple and completely free⁷. The first service is Voice Case Information System (VCIS) which allows any caller with a touch-tone telephone to access basic bankruptcy information. The second service is called PACER, an acronym that means Public Access to Court's Electronic Records. This system allows the caller access to case information, docket reports and claims registers. The third method of accessing the court's electronic information is the court's Internet web site at <http://www.id.uscourts.gov>. This is a public service where any interested party can obtain certain decisions, opinions, fee changes, local rules and other court notices. Many court documents such as local rules, general orders and federal rules are located here. District Court cases; Bankruptcy Court cases; and many of their documents are also on this site. All of these services are available virtually around the clock, 365 days a year.

Voice Case Information System - Bankruptcy Cases

The telephone number for VCIS is (208) 334-9386. A caller can search through five cases per call, entering case number or the name of the participant using the letters above the keypad on the telephone. The system will read from the court's live database and include case number, filing date, chapter, names of attorney, trustee and judge, closing and discharge dates, status of the case, date and time of 341 meeting, and a phone number to call for more information. Finally, at the end of the call the caller can transfer to an operator during business hours for more information.

Public Access to Electronic Records

The PACER computer number is (208) 334-9590. All PACER users must first call and register at (208) 334-9342. The PACER system provides a complete summary of every Bankruptcy case filed since September 17, 1990. Partial case information is available on every case that was already pending on that same date. PACER provides the names, addresses, phone numbers and even social security numbers of all relevant parties. A docket report which summarizes the previous 12 month's history of a case is also available, followed by a claims register. The mailing matrix is available as well.

Idaho Federal Court's World Wide Web Site on the Internet

⁷As of September 1997 PACER is still free of charge. There is a national effort to require billing at 60 cents per minute of access to this service. It is likely that the District of Idaho will begin billing for this service at some point in the future. However, at this time District of Idaho General Order #140 signed September 12, 1997 exempts all classes of persons from these fees to avoid unreasonable burdens and to promote public access to such information.

The District of Idaho has an Internet site on the World Wide Web at <http://www.id.uscourts.gov>. This site serves as a repository of court documents, legal links and even case query capabilities. You can currently query a Bankruptcy case and retrieve all the basic case information, including the docket, aliases, related adversaries and even the claims register. Many cases are even imaged and those document images are available at this site. Selected District Court cases are available for query. There is no special registration required and this service is completely free.

The court documents included on this site include local rules (complete with links to the federal rules), general orders and a wealth of pro se information. This site also has court calendars and a considerable library of forms, including the Bankruptcy Petition and Schedules for filing, with instructions. Various legal links are available here, including links to Circuit Appellate Courts and Supreme Court decisions.

Public Terminals in Clerk's Offices

Terminals are located in the Boise, Coeur d'Alene and Moscow Intake Offices. Terminals connected to the court's live database can provide up to the minute information. Simple instructions accompany each terminal. These terminals will also access the document images for those cases that have been imaged.

Local Rules in Electronic Format

All local rules are available. Access to the District of Idaho Homepage is (<http://www.id.uscourts.gov>) Local Rules can be copied from Wordperfect 6.1 onto a floppy diskette, free of charge, if you do not have access to the Internet. Please bring a 3.5" high density floppy diskette (formatted for IBM compatible systems) to the U.S. Courthouse at 550 West Fort St., Room 400. You can also send a 3.5" floppy diskette with a return addressed, postage paid floppy mailer to the United States Courts, Attn: Ladora Butler, U.S. Courthouse, MSC 042, Boise, ID 83724. By receiving the rules in this manner you can print them in any manner you wish, leave them on-line on your own computer system or even make notes on them. Macintosh users can retrieve this file directly into WordPerfect 2.0 for the Mac. ASCII text versions of the local rules will not be available due to reported problems converting footnotes to ASCII.

APPENDIX VI
CROSS REFERENCE OF FORMER RULES NUMBERING SYSTEM
WITH THE NEW UNIFORM NUMBERING SYSTEM

Old LBR No.	New Uniform No.
LBR 101	LBR 1001.1
LBR 102	LBR 1001.2
LBR 103	LBR 5007.1
LBR 104	LBR 5005.1
LBR 105	LBR 9010.1
LBR 201	LBR 1002.1
LBR 202	LBR 1006.1
LBR 203	LBR 1007.1
LBR 204	ABROGATED
LBR 205	ABROGATED
LBR 206	LBR 1007.2
LBR 207	LBR 1007.3
LBR 208	LBR 1006.2
LBR 209	LBR 5009.1
LBR 210	LBR 5010.1
LBR 301	LBR 2003.1
LBR 302	LBR 4003.1
LBR 303	LBR 4002.1
LBR 304	LBR 4008.1
LBR 305	LBR 4003.2
LBR 306	LBR 4003.3
LBR 307	LBR 2002.1
LBR 308	LBR 4001.1
LBR 309	LBR 4001.2
LBR 310	LBR 2002.2
LBR 311	LBR 9004.1
LBR 312	LBR 5005.2
LBR 313	LBR 2002.3
LBR 314	LBR 1007.4
LBR 401	LBR 3003.1
LBR 402	LBR 1019.1
LBR 501	ABROGATED
LBR 502	ABROGATED
LBR 503	ABROGATED

LBR 504
LBR 505
LBR 506
LBR 601

ABROGATED
LBR 3002.1
LBR 2002.4
LBR 3002.2

LBR 602	LBR 2002.5
LBR 701	LBR 7003.1
LBR 702	LBR 7041.1
LBR 703	LBR 7001.1
LBR 704	LBR 7005.1
LBR 705	LBR 7054.1
LBR 801	LBR 9034.1
LBR 901	LBR 7067.1
LBR 902	LBR 3011.1
NEW	LBR 8001.1
NEW	LBR 5011.1

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New Uniform No.	Old LBR No.
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LBR 1001.1	LBR 101
LBR 1001.2	LBR 102
LBR 1002.1	LBR 201
LBR 1006.1	LBR 202
LBR 1006.2	LBR 208
LBR 1007.1	LBR 203
LBR 1007.2	LBR 206
LBR 1007.3	LBR 207
LBR 1007.4	LBR 314
LBR 1019.1	LBR 402

LBR 2002.1	LBR 307
LBR 2002.2	LBR 310
LBR 2002.3	LBR 313
LBR 2002.4	LBR 506
LBR 2002.5	LBR 602
LBR 2003.1	LBR 301
LBR 2014.1	NEW

LBR 3002.1	LBR 505
LBR 3002.2	LBR 601
LBR 3003.1	LBR 401
LBR 3011.1	LBR 902

LBR 4001.1	LBR 308
LBR 4001.2	LBR 309
LBR 4002.1	LBR 303
LBR 4003.1	LBR 302
LBR 4003.2	LBR 305

LBR 4003.3	LBR 306
LBR 4008.1	LBR 304
LBR 5005.1	LBR 104
LBR 5005.2	LBR 312
LBR 5007.1	LBR 103
LBR 5009.1	LBR 209
LBR 5010.1	LBR 210
LBR 5011.1	NEW 6/21/95 and deleted 3/15/96

LBR 7001.1	LBR 703
LBR 7003.1	LBR 701
LBR 7005.1	LBR 704
LBR 7041.1	LBR 702
LBR 7054.1	LBR 705
LBR 7067.1	LBR 901

LBR 8001.1	NEW
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LBR 9004.1	LBR 311
LBR 9010.1	LBR 105
LBR 9034.1	LBR 801